

- c. Recommendations for improving the effectiveness of the regional workforce system.
- 3. As part of the plan, the department of workforce development shall set a goal of having at least one certified one-stop center in each of the fifteen workforce regions by the year 2012.

Sec. 31. Section 15.109, Code 2007, is amended by adding the following new subsection: NEW SUBSECTION. 4. Establish a sustainable community development initiative. The purpose of the initiative is to improve the sustainability of Iowa communities by ensuring long-term economic growth and fostering environmentally conscious growth and development. In establishing the initiative, the department shall:

- a. Create a plan to ensure that all of the department’s current community growth and development programs, efforts, and initiatives incorporate an environmentally conscious approach and policies that promote sustainability.
- b. Cooperate with local governments by providing information, technical assistance, and financial incentives to communities pursuing sustainable growth.

Sec. 32. EFFECTIVE DATE. The sections of this Act amending 2007 Iowa Acts, chapter 207, sections 13, 14, 15, and 16, being deemed of immediate importance, take effect upon enactment.

Approved May 13, 2008

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**CHAPTER 1191**

STATE AND LOCAL GOVERNMENT  
 FINANCIAL AND REGULATORY MATTERS —  
 APPROPRIATIONS AND MISCELLANEOUS CHANGES

*H.F. 2700*

**AN ACT** relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
 MH/MR/DD SERVICES ALLOWED  
 GROWTH FUNDING — FY 2009-2010

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2009-2010.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2009-2010:

..... \$ 69,949,069

2. The amount appropriated in this section shall be allocated as provided in a later enactment of the general assembly.

DIVISION II  
STANDING APPROPRIATIONS  
AND RELATED MATTERS

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2009-2010.

1. For the budget process applicable to the fiscal year beginning July 1, 2009, on or before October 1, 2008, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 3. GENERAL ASSEMBLY. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2008, and ending June 30, 2009, are reduced by the following amount:

..... \$ 1,400,261

Sec. 4. LIMITATION OF STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For instructional support state aid under section 257.20:

..... \$ 14,428,271

If the total amount of instructional support state aid appropriated in accordance with this subsection is insufficient to pay the amount of instructional support state aid to a district as determined under section 257.20, the department of education shall prorate the amount of the instructional support state aid provided to each district.

2. For payment for nonpublic school transportation under section 285.2:

..... \$ 8,604,714

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.

3. For the educational excellence program under section 294A.25, subsection 1:

..... \$ 55,469,053

4. For the state's share of the cost of the peace officers' retirement benefits under section 411.20:

..... \$ 2,745,784

Sec. 5. PROPERTY TAX CREDIT FUND — PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT.

1. a. Notwithstanding section 8.57, prior to the appropriation and distribution to the senior living trust fund and the cash reserve fund of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2007, and ending June 30, 2008, pursuant to section 8.57, subsections 1 and 2, of that surplus, \$99,849,544 is appropriated to the

property tax credit fund which shall be created in the office of the treasurer of state to be used for the purposes of this section.

b. Notwithstanding any provision in section 8.57 to the contrary in determining the amount of the appropriation to the senior living trust fund pursuant to section 8.57, subsection 2, paragraph "a", the following shall apply:

(1) The surplus for the fiscal year beginning July 1, 2007, shall not include the amount appropriated to the property tax credit fund pursuant to paragraph "a" of this subsection.

(2) The remaining surplus after the operation of subparagraph (1) shall be appropriated to the cash reserve fund prior to any appropriation to the senior living trust fund.

c. There is appropriated from the general fund of the state to the property tax credit fund created in paragraph "a" for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of \$44,400,000.

d. There is transferred from the surplus existing in the salary adjustment fund at the conclusion of the fiscal year beginning July 1, 2007, and ending June 30, 2008, to the property tax credit fund created in paragraph "a", the sum of \$13,937,263.

e. Notwithstanding section 8.33, the surplus existing in the property tax credit fund created pursuant to 2007 Iowa Acts, chapter 215, section 5, at the conclusion of the fiscal year beginning July 1, 2007, and ending June 30, 2008, is transferred to the property tax credit fund created in this section.

2. Notwithstanding the amount of the standing appropriation from the general fund of the state in the following designated sections and notwithstanding any conflicting provisions or voting requirements of section 8.56, there is appropriated from the property tax credit fund in lieu of the appropriations in the following designated sections for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts for the following designated purposes:

a. For reimbursement for the homestead property tax credit under section 425.1:	\$ 99,254,781
b. For reimbursement for the agricultural land and family farm tax credits under sections 425A.1 and 426.1:	\$ 34,610,183
c. For reimbursement for the military service tax credit under section 426A.1A:	\$ 2,800,000
d. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.40:	\$ 23,204,000

If the director of revenue determines that the amount of claims for credit for property taxes due pursuant to paragraphs "a", "b", "c", and "d" plus the amount of claims for reimbursement for rent constituting property taxes paid which are to be paid during the fiscal year may exceed the total amount appropriated, the director shall estimate the percentage of the credits and reimbursements which will be funded by the appropriation. The county treasurer shall notify the director of the amount of property tax credits claimed by June 8, 2008. The director shall estimate the percentage of the property tax credits and rent reimbursement claims that will be funded by the appropriation and notify the county treasurer of the percentage estimate by June 15, 2008. The estimated percentage shall be used in computing for each claim the amount of property tax credit and reimbursement for rent constituting property taxes paid for that fiscal year. If the director overestimates the percentage of funding, claims for reimbursement for rent constituting property taxes paid shall be paid until they can no longer be paid at the estimated percentage of funding. Rent reimbursement claims filed after that point in time shall receive priority and shall be paid in the following fiscal year.

3. Notwithstanding any other provision, if the Eighty-second General Assembly, 2008 Session, enacts legislation that also provides for the appropriation of the surplus or any part of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2007, and ending June 30, 2008, the moneys appropriated from such surplus pursuant to subsection 1 shall have priority over all other such appropriations.

4. Notwithstanding the amount of the standing appropriations from the general fund of the state from the designated sections listed in subsection 2, unless otherwise provided by law, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amounts of such standing appropriations shall be the same as provided in subsection 2.

Sec. 6. CASH RESERVE APPROPRIATION FOR FY 2008-2009. For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the appropriation to the cash reserve fund provided in section 8.57, subsection 1, paragraph "a", shall not be made.

Sec. 7. APRIL 4, 2008, REVENUE ESTIMATE. For use by the general assembly in the budget process and the governor's approval or disapproval of the appropriations bills for the fiscal year beginning July 1, 2008, and for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54 for the fiscal year beginning July 1, 2008, the revenue estimate for the fiscal year beginning July 1, 2008, that shall be used in the budget process and such calculation shall be the revenue estimate determined by the revenue estimating conference on April 4, 2008, notwithstanding the provision in section 8.22A, subsection 3, that disallows the use of a revenue estimate agreed to at a later meeting that projects a greater amount than the initial estimated amount agreed to in December 2007. This section also authorizes the use of the estimated revenue figures for the purposes or sources designated in section 8.22A, subsection 5.

Sec. 8. Section 257.35, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2008, shall be reduced by the department of management by two million five hundred thousand dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

Sec. 9. AREA EDUCATION AGENCY PAYMENTS. It is the intent of the general assembly that for the fiscal year beginning July 1, 2009, and subsequent fiscal years there shall be no additional reduction in state aid to area education agencies and the combined district cost calculated for those agencies over the reduction applicable pursuant to section 257.35, subsection 2.

Sec. 10. EFFECTIVE AND APPLICABILITY DATES.

1. The section of this division of this Act creating the property tax credit fund, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act relating to the use of the April 4, 2008, revenue estimate, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 14, 2008.

### DIVISION III SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 11. STATE COURT — JUSTICES, JUDGES, AND MAGISTRATES.

1. The salary rates specified in subsection 2 are for the fiscal year beginning July 1, 2008, effective for the pay period beginning June 27, 2008, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds allocated to the judicial branch from the salary adjustment fund or if the allocation is not sufficient, from funds appropriated to the judicial branch pursuant to any Act of the general assembly.

2. The following annual salary rates shall be paid to the persons holding the judicial posi-

tions indicated during the fiscal year beginning July 1, 2008, effective with the pay period beginning June 27, 2008, and for subsequent pay periods.

a. Chief justice of the supreme court:	\$	170,850
b. Each justice of the supreme court:	\$	163,200
c. Chief judge of the court of appeals:	\$	153,000
d. Each associate judge of the court of appeals:	\$	147,900
e. Each chief judge of a judicial district:	\$	142,800
f. Each district judge except the chief judge of a judicial district:	\$	137,700
g. Each district associate judge:	\$	122,400
h. Each associate juvenile judge:	\$	122,400
i. Each associate probate judge:	\$	122,400
j. Each judicial magistrate:	\$	37,740
k. Each senior judge:	\$	8,160

3. Persons receiving the salary rates established under this section shall not receive any additional salary adjustments provided by this division of this Act.

*\*Sec. 12. ELECTIVE EXECUTIVE OFFICIALS.*

1. *The annual salary rates specified in this section are effective for the fiscal year beginning July 1, 2008, with the pay period beginning June 27, 2008, and for subsequent fiscal years until otherwise provided by the general assembly.*

*The salaries provided for in this section shall be paid from funds allocated to the office, department, or agency of the elected official specified in subsections 2, 3, and 4 from the salary adjustment fund, if the allocation is not sufficient, from funds appropriated to the office, department, or agency.*

2. *The annual salary rates paid to the person holding the following elected offices shall be equal to 82.65 percent of the maximum of range 7 of the salary ranges specified in this division of this Act for appointed state officers, rounded to the nearest \$10: secretary of agriculture, auditor of state, secretary of state, treasurer of state, and lieutenant governor.*

3. *The annual salary rate paid to the attorney general shall be equal to 89 percent of the maximum of range 7 of the salary ranges specified in this division of this Act for appointed state officers, rounded to the nearest \$10.*

4. *The annual salary rate paid to the governor shall be equal to 92.4 percent of the maximum of range 7 of the salary ranges specified in this division of this Act for appointed state officers, rounded to the nearest \$10.\**

Sec. 13. APPOINTED STATE OFFICERS. The governor shall establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in the section of this division of this Act that addresses the salary ranges of state officers within the range provided, by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, and subordinates' salaries. However, the attorney general shall establish the salary for the consumer advocate, the chief justice of the supreme court shall establish the salary for the state court administrator, the ethics and campaign disclosure board shall estab-

\* Item veto; see message at end of the Act

lish the salary of the executive director, and the Iowa public broadcasting board shall establish the salary of the administrator of the public broadcasting division of the department of education, each within the salary range provided in the section of this division of this Act that addresses the salary ranges of state officers.

The governor, in establishing salaries as provided in the section of this division of this Act that addresses the salary ranges of state officers, shall take into consideration other employee benefits which may be provided for an individual including but not limited to housing.

A person whose salary is established pursuant to the section of this division of this Act that addresses the salary ranges of state officers and who is a full-time, year-round employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law. However, this provision does not exclude the reimbursement for necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

Sec. 14. STATE OFFICERS — SALARY RANGE. The following annual salary ranges are effective for the positions specified in this section for the fiscal year beginning July 1, 2008, and for subsequent fiscal years until otherwise provided by the general assembly. The governor or other person designated in the section of this division of this Act relating to appointed state officers shall determine the salary to be paid to the person indicated at a rate within this salary range from funds appropriated by the general assembly for that purpose.

1. The following are salary ranges for appointed state officers for the fiscal year beginning July 1, 2008, effective with the pay period beginning June 27, 2008:

SALARY RANGE	<u>Minimum</u>	<u>Maximum</u>
a. Range 2 .....	\$ 48,160	\$ 73,700
b. Range 3 .....	\$ 55,380	\$ 84,750
c. Range 4 .....	\$ 63,690	\$ 97,460
d. Range 5 .....	\$ 73,250	\$112,070
e. Range 6 .....	\$ 84,240	\$128,890
f. Range 7 .....	\$100,840	\$154,300

2. The following are range 2 positions: administrator of the arts division of the department of cultural affairs, administrators of the division of persons with disabilities, the division on the status of women, the division on the status of Iowans of Asian and Pacific Islander heritage, the division on the status of African-Americans, the division of deaf services, and the division of Latino affairs of the department of human rights.

3. The following are range 3 positions: administrator of the division of criminal and juvenile justice planning of the department of human rights, administrator of the division of community action agencies of the department of human rights, executive director of the department of veterans affairs, and chairperson and members of the employment appeal board of the department of inspections and appeals.

4. The following are range 4 positions: director of the department of human rights, director of the Iowa state civil rights commission, executive director of the college student aid commission, director of the department for the blind, executive director of the ethics and campaign disclosure board, members of the public employment relations board, and chairperson, vice chairperson, and members of the board of parole.

5. The following are range 5 positions: administrator of the division of homeland security and emergency management of the department of public defense, state public defender, drug policy coordinator, labor commissioner, workers' compensation commissioner, director of the department of cultural affairs, director of the department of elder affairs, director of the law enforcement academy, and administrator of the historical division of the department of cultural affairs.

6. The following are range 6 positions: director of the office of energy independence, superintendent of banking, superintendent of credit unions, administrator of the alcoholic beverages division of the department of commerce, director of the department of inspections and

appeals, commandant of the Iowa veterans home, commissioner of public safety, commissioner of insurance, executive director of the Iowa finance authority, director of the department of natural resources, consumer advocate, and chairperson of the utilities board. The other members of the utilities board shall receive an annual salary within a range of not less than 90 percent but not more than 95 percent of the annual salary of the chairperson of the utilities board.

7. The following are range 7 positions: administrator of the public broadcasting division of the department of education, director of the department of corrections, director of the department of education, director of human services, director of the department of economic development, executive director of the Iowa telecommunications and technology commission, executive director of the state board of regents, director of transportation, director of the department of workforce development, director of revenue, director of public health, state court administrator, director of the department of management, and director of the department of administrative services.

Sec. 15. COLLECTIVE BARGAINING AGREEMENTS FUNDED — GENERAL FUND. There is appropriated from the general fund of the state to the salary adjustment fund for distribution by the department of management to the various state departments, boards, commissions, councils, and agencies, including the state board of regents and the judicial branch, for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the amount of \$88,100,000, or so much thereof as may be necessary, to fully fund annual pay adjustments, expense reimbursements, and related benefits implemented pursuant to the following:

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.
2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.
3. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.
4. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.
5. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.
6. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the clerical bargaining unit.
7. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional social services bargaining unit.
8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community-based corrections bargaining unit.
9. The collective bargaining agreements negotiated pursuant to chapter 20 for employees in the judicial branch of government bargaining units.
10. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the patient care bargaining unit.
11. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the science bargaining unit.
12. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the university of northern Iowa faculty bargaining unit.
13. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa graduate student bargaining unit.
14. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa hospital and clinics tertiary health care bargaining unit.
15. The annual pay adjustments, related benefits, and expense reimbursements referred to in the sections of this division of this Act addressing noncontract state and board of regents employees who are not covered by a collective bargaining agreement.

Of the amount appropriated in this section, \$7,647,352 shall be allocated to the judicial

branch for the purposes of funding annual pay adjustments, expense reimbursements, and related benefits implemented for judicial branch employees.

Sec. 16. NONCONTRACT STATE EMPLOYEES — GENERAL.

1. a. For the fiscal year beginning July 1, 2008, the maximum and minimum salary levels of all pay plans provided for in section 8A.413, subsection 2, as they exist for the fiscal year ending June 30, 2008, shall be increased by 3 percent for the pay period beginning June 27, 2008, and any additional changes in the pay plans shall be approved by the governor.

b. For the fiscal year beginning July 1, 2008, employees may receive a step increase or the equivalent of a step increase.

c. Notwithstanding the increase in paragraph “a”, noncontract judicial branch employees shall receive increases similar to those employees covered by collective bargaining agreements negotiated by the judicial branch.

2. The pay plans for state employees who are exempt from chapter 8A, subchapter IV, and who are included in the department of administrative services’ centralized payroll system shall be increased in the same manner as provided in subsection 1, and any additional changes in any executive branch pay plans shall be approved by the governor.

3. This section does not apply to members of the general assembly, board members, commission members, salaries of persons set by the general assembly pursuant to this division of this Act or set by the governor, or other persons designated in the section of this division of this Act addressing appointed state officers, employees designated under section 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

4. The pay plans for the bargaining eligible employees of the state shall be increased in the same manner as provided in subsection 1, and any additional changes in such executive branch pay plans shall be approved by the governor. As used in this section, “bargaining eligible employee” means an employee who is eligible to organize under chapter 20, but has not done so.

5. The policies for implementation of this section shall be approved by the governor.

Sec. 17. STATE EMPLOYEES — STATE BOARD OF REGENTS. Funds from the appropriation made from the general fund of the state in the section of this division of this Act providing for funding of collective bargaining agreements shall be allocated to the state board of regents for the purposes of providing increases for state board of regents employees covered by such section of this division of this Act and for state board of regents employees not covered by a collective bargaining agreement as follows:

1. For regents merit system employees and merit supervisory employees to fund for the fiscal year increases comparable to those provided for similar contract-covered employees in this division of this Act.

2. For faculty members and professional and scientific employees to fund for the fiscal year percentage increases comparable to those provided for contract-covered employees in the university of northern Iowa faculty bargaining unit.

Sec. 18. APPROPRIATIONS FROM ROAD FUNDS.

1. There is appropriated from the road use tax fund to the salary adjustment fund for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement other funds appropriated by the general assembly:  
..... \$ 1,485,911

2. There is appropriated from the primary road fund to the salary adjustment fund, for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement other funds appropriated by the general assembly:  
..... \$ 8,335,688

3. Except as otherwise provided in this division of this Act, the amounts appropriated in sub-

sections 1 and 2 shall be used to fund the annual pay adjustments, expense reimbursements, and related benefits for public employees as provided in this division of this Act.

Sec. 19. SPECIAL FUNDS — AUTHORIZATION. To departmental revolving, trust, or special funds, except for the primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental expenditure authorization is provided, unless otherwise provided, in an amount necessary to fund salary adjustments as otherwise provided in this division of this Act.

Sec. 20. GENERAL FUND SALARY MONEYS. Funds appropriated from the general fund of the state for distribution from the salary adjustment fund in the section of this division of this Act providing for funding of collective bargaining agreements relate only to salaries supported from general fund appropriations of the state. Funds appropriated from the general fund of the state for employees of the state board of regents relate only to salaries supported by tuition or from general fund appropriations of the state and shall exclude general university indirect costs and general university federal funds.

Sec. 21. FEDERAL FUNDS APPROPRIATED. All federal grants to and the federal receipts of the agencies affected by this division of Act which are received and may be expended for purposes of this division of this Act are appropriated for those purposes and as set forth in the federal grants or receipts.

Sec. 22. STATE TROOPER MEAL ALLOWANCE. The sworn peace officers in the department of public safety who are not covered by a collective bargaining agreement negotiated pursuant to chapter 20 shall receive the same per diem meal allowance as the sworn peace officers in the department of public safety who are covered by a collective bargaining agreement negotiated pursuant to chapter 20.

Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state's salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in section 20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

Sec. 24. Section 173.10, Code 2007, is amended to read as follows:

173.10 SALARY OF SECRETARY.

~~The secretary shall receive the salary fixed by the board. The compensation and employment terms of the secretary shall be set by the Iowa state fair board with the approval of the governor, taking into consideration the level of knowledge and experience of the secretary.~~

#### DIVISION IV

#### MISCELLANEOUS STATUTORY CHANGES — APPROPRIATIONS

Sec. 25. Section 8.7, Code 2007, is amended to read as follows:

8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.

All gifts, and bequests, ~~and grants~~ received by a department or accepted by the governor on

behalf of the state shall be reported to the Iowa ethics and campaign disclosure board and the government oversight committees. The ethics and campaign disclosure board shall, by January 31 of each year, submit to the fiscal services division of the legislative services agency a written report listing all gifts, ~~and~~ bequests, ~~and~~ grants received during the previous calendar year with a value over one thousand dollars and the purpose for each such gift, ~~or~~ bequest, ~~or~~ grant. The submission shall also include a listing of all gifts, ~~and~~ bequests, ~~and~~ grants received by a department from a person if the cumulative value of all gifts, ~~and~~ bequests, ~~and~~ grants received by the department from the person during the previous calendar year exceeds one thousand dollars, and the ethics and campaign disclosure board shall include, if available, the purpose for each such gift, ~~or~~ bequest, ~~or~~ grant. However, ~~the~~ reports on gifts, grants, or bequests filed by the state board of regents pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this section.

Sec. 26. Section 8.9, Code 2007, is amended to read as follows:

8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.

1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. Funding for the office is from the appropriation to the department pursuant to section 8A.505, subsection 2.

2. a. All grant applications submitted and grant moneys received by a department on behalf of the state shall be reported to the office of grants enterprise management. The office shall by January 31 of each year submit to the fiscal services division of the legislative services agency a written report listing all grants received during the previous calendar year with a value over one thousand dollars and the funding entity and purpose for each grant. However, the reports on grants filed by the state board of regents pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this subsection.

b. The office of grants enterprise management shall submit by July 1 and January 1 of each year to the government oversight committees a written report summarizing departmental compliance with the requirements of this subsection.

Sec. 27. Section 12C.16, subsection 1, paragraph b, subparagraph (4), Code Supplement 2007, is amended to read as follows:

(4) To the extent of the guarantee, loans, obligations, or nontransferable letters of credit upon which the payment of principal and interest is fully secured or guaranteed by the United States of America or an agency or instrumentality of the United States of America or the United States central credit union, a corporate central credit union organized under section 533.213, or a corporate credit union ~~organized under 12 C.F.R. § 704 whose activities are subject to regulation by the national credit union administration~~, and the rating of any one of such credit unions remains within the two highest classifications of prime established by at least one of the standard rating services approved by the superintendent of banking by rule pursuant to chapter 17A. The treasurer of state shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 28. Section 12C.17, subsection 1, paragraph c, Code Supplement 2007, is amended to read as follows:

c. The securities shall be deposited with the federal reserve bank, the federal home loan bank of Des Moines, Iowa, or the United States central credit union, a corporate central credit union organized under section 533.213, or a corporate credit union ~~organized under 12 C.F.R. § 704 whose activities are subject to regulation by the national credit union administration~~ pursuant to a bailment agreement or a pledge custody agreement.

Sec. 29. Section 12C.17, subsection 4, Code Supplement 2007, is amended to read as follows:

4. Upon written request from the appropriate public officer but not less than monthly, the federal reserve bank, the federal home loan bank of Des Moines, Iowa, the United States central credit union, a corporate central credit union organized under section 533.213, or a corporate credit union ~~organized under 12 C.F.R. § 704~~ whose activities are subject to regulation by the national credit union administration shall report a description, the par value, and the market value of any pledged collateral by a credit union.

Sec. 30. NEW SECTION. 15.368 WORLD FOOD PRIZE AWARD AND SUPPORT.

1. Commencing with the fiscal year beginning July 1, 2009, there is annually appropriated from the general fund of the state to the department one million dollars for the support of the world food prize award.

2. The Iowa state capitol is designated as the primary location for the annual ceremony to award the world food prize.

Sec. 31. Section 15F.204, subsection 5, unnumbered paragraph 1, Code 2007, is amended to read as follows:

At the beginning of each fiscal year, the board shall allocate one hundred thousand dollars for purposes of marketing those projects that are receiving moneys from the fund. After the marketing allocation, the board shall allocate all remaining moneys in the fund in the following manner:

Sec. 32. Section 16.92, subsection 5, paragraph c, Code Supplement 2007, is amended to read as follows:

c. In addition to any other remedy provided by law, if the division through an act of negligence wrongfully or erroneously records a certificate of release under this section, the division is liable to the mortgagee and mortgage servicer for actual damages sustained due to the recording of the certificate of release.

Sec. 33. Section 21.5, subsection 1, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. To discuss patient care quality and process improvement initiatives in a meeting of a public hospital or to discuss marketing and pricing strategies or similar proprietary information in a meeting of a public hospital, where public disclosure of such information would harm such a hospital's competitive position when no public purpose would be served by public disclosure. The minutes and the audio recording of a closed session under this paragraph shall be available for public inspection when the public disclosure would no longer harm the hospital's competitive position. For purposes of this paragraph, "public hospital" means the same as defined in section 249J.3. This paragraph does not apply to the information required to be disclosed pursuant to section 347.13, subsection 14, or to any discussions relating to terms or conditions of employment, including but not limited to compensation of an officer or employee or group of officers or employees.

Sec. 34. Section 22.7, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 60. CLOSED SESSION RECORDS. Information in a record that would permit a governmental body subject to chapter 21 to hold a closed session pursuant to section 21.5 in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information. Any portion of such a record not subject to this subsection, or not otherwise confidential, shall be made available to the public. After the governmental body has taken final action on the subject matter pertaining to the information in that record, this subsection shall no longer apply. This subsection shall not apply more than ninety days after a record is known to exist by the governmental body, unless it is not pos-

sible for the governmental body to take final action within ninety days. The burden shall be on the governmental body to prove that final action was not possible within the ninety-day period.

Sec. 35. Section 35A.8, subsection 5, paragraph a, Code Supplement 2007, is amended to read as follows:

a. The executive director shall provide for the administration of the bonus authorized in this subsection. The ~~commission~~ department shall adopt rules, pursuant to chapter 17A, as necessary to administer this subsection including but not limited to application procedures, investigation, approval or disapproval, and payment of claims.

Sec. 36. Section 35A.8, subsection 5, paragraph b, subparagraph (1), Code Supplement 2007, is amended to read as follows:

(1) A person who served on active duty for not less than one hundred twenty days in the armed forces of the United States, and who served on active duty at any time between July 1, 1973, and May 31, 1975, both dates inclusive, and who at the time of entering into active duty service was a legal resident of the state of Iowa, and who had maintained the person's residence in this state for a period of at least six months immediately before entering into active duty service, and was honorably discharged or separated from active duty service, or is still in active service in an honorable status, or has been retired, or has been furloughed to a reserve, or has been placed on inactive status is entitled to receive from moneys appropriated for that purpose the sum of seventeen dollars and fifty cents for each month that the person was on active duty service in the Vietnam service area, within the dates specified in this subparagraph, if the veteran earned either a Vietnam service medal or an armed forces expeditionary medal-Vietnam or can otherwise establish service in the Vietnam service area during that period. Compensation under this subparagraph shall not exceed a total sum of five hundred dollars. Compensation for a fraction of a month shall not be considered unless the fraction is sixteen days or more, in which case the fraction shall be computed as a full month.

Sec. 37. NEW SECTION. 68A.401A REPORTING OF CONTRIBUTIONS AND EXPENDITURES RELATING TO ISSUE ADVOCACY.

1. A political organization that is required to file reports with the internal revenue service, pursuant to 26 U.S.C. § 527, shall file a report with the board if that organization does both of the following:

a. Creates or disseminates a communication of issue advocacy in this state.  
b. Receives or expects to receive twenty-five thousand dollars or more in gross receipts in any taxable year.

2. A report required under this section shall contain the following information:

a. The amount, date, and purpose of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds five hundred dollars and the name and address of the person, and, in the case of an individual, the occupation and name of employer of the individual.

b. The name and address, and, in the case of an individual, the occupation and name of employer of such individual, of all contributors which contributed an aggregate amount of two hundred dollars or more to the organization during the calendar year and the amount and date of the contribution.

3. The board shall by rule establish a procedure for the filing of reports required by this section. To the extent practicable the reporting periods and filing due dates shall be the same as set out in 26 U.S.C. § 527(j)(2).

4. The term "issue advocacy" means any print, radio, televised, telephonic, or electronic communication in any form or content, which is disseminated to the general public or a segment of the general public, that refers to a clearly identified candidate for the general assembly or statewide office.

5. The penalty set out in section 68A.701 does not apply to a violation of this section. The penalties for a violation of this section are as set out in section 68B.32D.

Sec. 38. Section 68B.2A, Code 2007, is amended by adding the following new subsection:  
NEW SUBSECTION. 4. The board shall adopt rules pursuant to chapter 17A further delineating particular situations where outside employment or activity of officials and state employees of the executive branch will be deemed to create an unacceptable conflict of interest.

Sec. 39. Section 68B.5A, subsections 2 and 5, Code 2007, are amended to read as follows:  
2. The head of a major subunit of a department or independent state agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds, a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds, or a legislative employee whose position involves a substantial exercise of administrative discretion or the expenditure of public funds, shall not, during the time in which the person serves or is employed by the state, act as a lobbyist before the agency in which the person is employed or before state agencies, officials, or employees with whom the person has substantial or regular contact as part of the person's duties, unless the person is designated, by the agency in which the person serves or is employed, to represent the official position of the agency.

5. The head of a major subunit of a department or independent state agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds, a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds, or a legislative employee whose position involves a substantial exercise of administrative discretion or the expenditure of public funds, shall not, within two years after termination of employment, become a lobbyist before the agency in which the person was employed or before state agencies or officials or employees with whom the person had substantial and regular contact as part of the person's former duties.

Sec. 40. Section 68B.22, subsection 4, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. hh. Food and beverages provided at a meal that is part of a bona fide event or program at which the recipient is being honored for public service.

Sec. 41. Section 68B.32, subsection 1, Code 2007, is amended to read as follows:

1. An Iowa ethics and campaign disclosure board is established as an independent agency. The board shall administer this chapter and set standards for, investigate complaints relating to, and monitor the ethics of officials, employees, lobbyists, and candidates for office in the executive branch of state government. The board shall administer and set standards for, investigate complaints relating to, and monitor the campaign finance practices of candidates for public office. The board shall administer and establish standards for, investigate complaints relating to, and monitor the reporting of gifts, and bequests, and grants under section 8.7. The board shall consist of six members and shall be balanced as to political affiliation as provided in section 69.16. The members shall be appointed by the governor, subject to confirmation by the senate.

Sec. 42. Section 68B.32A, subsection 4, Code Supplement 2007, is amended to read as follows:

4. Receive and file registration and reports from lobbyists of the executive branch of state government, client disclosure from clients of lobbyists of the executive branch of state government, personal financial disclosure information from officials and employees in the executive branch of state government who are required to file personal financial disclosure information under this chapter, and gift, and bequest, and grant disclosure information pursuant to section 8.7. The board, upon its own motion, may initiate action and conduct a hearing relating to reporting requirements under this chapter or section 8.7.

Sec. 43. Section 84A.5, subsection 1, paragraph a, Code Supplement 2007, is amended to read as follows:

a. The workforce development system shall strive to provide high quality services to its cus-

tomers including workers, families, and businesses. The department of workforce development shall maintain a common intake, assessment, and customer tracking system and to the extent practical provide one-stop services to customers at workforce development centers and other service access points. The department of workforce development shall administer a statewide standard skills assessment to assess the employability skills of adult workers statewide and shall instruct appropriate department staff in the administration of the assessment. The assessment shall be included in the one-stop services provided to customers at workforce development centers and other service access points throughout the state.

\*Sec. 44. Section 97A.10, Code 2007, is amended to read as follows:

97A.10 PURCHASE OF ELIGIBLE SERVICE CREDIT.

1. For purposes of this section:

a. "Eligible qualified service" means as follows:

(1) ~~Service with the department prior to July 1, 1994, in a position as a gaming enforcement officer, fire prevention inspector peace officer, or as an employee of the division of capitol police except clerical workers.~~

(2) Service ~~service~~ as a member of a city fire retirement system or police retirement system operating under chapter 411 prior to January 1, 1992, for which service was not eligible to be transferred to this system pursuant to section 97A.17.

Eligible qualified service under this paragraph "a" does not include service if the receipt of credit for such service would result in the member receiving a retirement benefit under more than one retirement plan for the same period of service.

b. "Permissive service credit" means credit that will be recognized by the retirement system for purposes of calculating a member's benefit, for which the member did not previously receive service credit in the retirement system, and for which the member voluntarily contributes to the retirement system the amount required by the retirement system, not in excess of the amount necessary to fund the benefit attributable to such service.

2. An active member of the system may make contributions to the system to purchase up to the maximum amount of permissive service credit for eligible qualified service as determined by the system, pursuant to Internal Revenue Code section 415(n) and the requirements of this section. A member seeking to purchase permissive service credit pursuant to this section shall file a written application along with appropriate documentation with the department by July 1, ~~2007~~ 2009.

3. A member making contributions for a purchase of permissive service credit for eligible qualified service under this section shall make contributions in an amount equal to the actuarial cost of the permissive service credit purchase, less an amount equal to the member's contributions under chapter 411 for the period of eligible qualified service together with interest at a rate determined by the board of trustees. For purposes of this subsection, the actuarial cost of the permissive service credit purchase is an amount determined by the system in accordance with actuarial tables, as reported to the system by the system's actuary, which reflects the actuarial cost necessary to fund an increased retirement allowance resulting from the purchase of permissive service credit.\*

\*Sec. 45. Section 103.6, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Adopt rules to create a special master license class or subclass and special journeyman license class or subclass for individuals who were licensed by a political subdivision prior to January 1, 2008, pursuant to a supervised written examination that has not been approved by the board pursuant to section 103.10, subsection 4, or section 103.12, subsection 4. A person licensed pursuant to this subsection shall have the same authority as a person holding a corresponding class A master license or class A journeyman license. However, the board shall not be required to include persons licensed under this subsection in any agreement entered into pursuant to the authority granted under section 103.21.\*

\* Item veto; see message at end of the Act

Sec. 46. Section 103.22, Code Supplement 2007, is amended by adding the following new subsection:

NEWSUBSECTION. 2A. Require firms or individuals working under contract to municipal utilities, electric membership or cooperative associations, or investor-owned utilities to hold licenses while performing work for utilities which is within the scope of the public service obligations of a utility.

Sec. 47. Section 135.63, subsection 2, paragraph 1, Code 2007, is amended to read as follows:

1. The replacement or modernization of any institutional health facility if the replacement or modernization does not add new health services or additional bed capacity for existing health services, notwithstanding any provision in this division to the contrary. With reference to a hospital, "replacement" means establishing a new hospital that demonstrates compliance with all of the following criteria through evidence submitted to the department:

(1) Is designated as a critical access hospital pursuant to 42 U.S.C. § 1395i-4.

(2) Serves at least seventy-five percent of the same service area that was served by the prior hospital to be closed and replaced by the new hospital.

(3) Provides at least seventy-five percent of the same services that were provided by the prior hospital to be closed and replaced by the new hospital.

(4) Is staffed by at least seventy-five percent of the same staff, including medical staff, contracted staff, and employees, as constituted the staff of the prior hospital to be closed and replaced by the new hospital.

Sec. 48. Section 135B.5, Code 2007, is amended to read as follows:

135B.5 ISSUANCE AND RENEWAL OF LICENSE.

1. Upon receipt of an application for license and the license fee, the department shall issue a license if the applicant and hospital facilities comply with this chapter and the rules of the department. Each licensee shall receive annual reapproval upon payment of ~~ten~~ five hundred dollars and upon filing of an application form which is available from the department. The annual licensure fee shall be dedicated to support and provide educational programs on regulatory issues for hospitals licensed under this chapter in consultation with the hospital licensing board. Licenses shall be either general or restricted in form. Each license shall be issued only for the premises and persons or governmental units named in the application and is not transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by rule of the department.

2. ~~Provided, however, that the~~ The provisions of this section shall not in any way affect, change, deny or nullify any rights set forth in, or arising from the provisions of this chapter and particularly section 135B.7, arising before or after December 31, 1960.

Sec. 49. Section 135B.10, Code 2007, is amended to read as follows:

135B.10 HOSPITAL LICENSING BOARD.

The governor shall appoint ~~five~~ six individuals ~~who possess recognized ability in the field of hospital administration,~~ to serve as the hospital licensing board within the department.

\*Five members shall possess recognized ability in the field of hospital administration and one member shall be a member of the general public.\*

\*Sec. 50. Section 135C.40, subsection 1, Code 2007, is amended to read as follows:

1. If the director determines, based on the findings of an inspection or investigation of a health care facility, that the facility is in violation of this chapter, ~~or~~ rules adopted under this chapter, or the federal certification guidelines, the director within five ~~ten~~ working days after making the determination completion of an on-site survey, may shall issue a written citation all statements of deficiencies, including any state citations issued to the facility under rules

adopted by the department. The citation shall be served upon the facility personally or, by electronic mail, or by certified mail, except that a citation for a Class III violation may be sent by ordinary mail. Each citation shall specifically describe the nature of the violation, identifying the Code section or subsection or the rule or standard violated, and the classification of the violation under section 135C.36. Where appropriate, the citation shall also state the period of time allowed for correction of the violation, which shall in each case be the shortest period of time the department deems feasible. Failure to correct a violation within the time specified, unless the licensee shows that the failure was due to circumstances beyond the licensee's control, shall subject the facility to a further penalty of fifty dollars for each day that the violation continues after the time specified for correction.

a. If a facility licensed under this chapter submits a plan of correction relating to a statement of deficiencies or a response to a citation issued under rules adopted by the department and the department elects to conduct an on-site revisit survey, the department shall commence the revisit survey within ten business days of the date that the plan of correction is received, or the date specified within the plan of correction alleging compliance, whichever is later.

b. If the department recommends the issuance of federal remedies pursuant to 42 C.F.R. § 488.406(a)(2) or (a)(3), relating to a survey conducted by the department, the department shall issue the statement of deficiencies within twenty-four hours of the date that the centers for Medicare and Medicaid services of the United States department of health and human services was notified of the recommendation for the imposition of remedies.\*

Sec. 51. Section 175.2, subsection 1, paragraph m, Code 2007, is amended to read as follows:

m. (1) "Low or moderate net worth" means a person's aggregate net worth calculated as a designated amount established pursuant to rules adopted by the authority and effective for one year. The designated amount shall be established by January 1 of each year by adjusting the designated amount effective on the previous December 31. The authority shall establish the designated amount in accordance with the prices paid by farmers index as compiled by the United States department of agriculture.

(2) "Low or moderate net worth" as applied to the following persons means:

(1) (a) For an individual, an aggregate net worth of the individual and the individual's spouse and minor children of less than ~~three hundred thousand dollars~~ the designated amount.

(2) (b) For a partnership, an aggregate net worth of all partners, including each partner's net capital in the partnership, and each partner's spouse and minor children of less than ~~six hundred thousand dollars~~ twice the designated amount. However, the aggregate net worth of each partner and that partner's spouse and minor children shall not exceed ~~three hundred thousand dollars~~ the designated amount.

(3) (c) For a family farm corporation, an aggregate net worth of all shareholders, including the value of each shareholder's share in the family farm corporation, and each shareholder's spouse and minor children of less than ~~six hundred thousand dollars~~ twice the designated amount. However, the aggregate net worth of each shareholder and that shareholder's spouse and minor children shall not exceed ~~three hundred thousand dollars~~ the designated amount.

(4) (d) For a family farm limited liability company, an aggregate net worth of all members, including each member's ownership interest in the family farm limited liability company, and each member's spouse and minor children of less than ~~six hundred thousand dollars~~ twice the designated amount. However, the aggregate net worth of each member and that member's spouse and minor children shall not exceed ~~three hundred thousand dollars~~ the designated amount.

Sec. 52. Section 216A.162, subsection 2, if enacted by 2008 Iowa Acts, Senate File 2400,<sup>1</sup> is amended to read as follows:

2. The purpose of the commission shall be to work in concert with tribal governments, Native American groups, and Native American persons Americans in this state to advance the

\* Item veto; see message at end of the Act

<sup>1</sup> Chapter 1184, §40 herein

interests of ~~tribal governments and Native American persons~~ Americans in the areas of human rights, access to justice, economic equality, and the elimination of discrimination.

Sec. 53. Section 216A.162, subsection 3, paragraph a, if enacted by 2008 Iowa Acts, Senate File 2400,<sup>2</sup> is amended to read as follows:

a. Seven public members appointed in compliance with sections 69.16 and 69.16A who shall be appointed with consideration given to the geographic residence of the member and the population density of Native Americans within the vicinity of the geographic residence of a member. Of the seven public members appointed, at least one shall be a Native American who is an enrolled tribal member living on a tribal settlement or reservation in Iowa and whose tribal government is located in Iowa and ~~one shall be a Native American who is primarily descended from a tribe other than those specified in paragraph "b".~~

Sec. 54. Section 216A.165, if enacted by 2008 Iowa Acts, Senate File 2400,<sup>3</sup> is amended to read as follows:

216A.165 DUTIES.

The commission shall have all powers necessary to carry out the functions and duties specified in this subchapter and shall do all of the following:

1. Advise the governor and the general assembly on issues confronting ~~tribal governments and Native American persons~~ Americans in this state.
2. Promote legislation beneficial to ~~tribal governments and Native American persons~~ Americans in this state.
3. Recommend to the governor and the general assembly any revisions in the state's affirmative action program and other steps necessary to eliminate discrimination against and the underutilization of ~~Native American persons~~ Americans in the state's workforce.
4. Serve as a conduit to state government for ~~Native American persons~~ Americans in this state.
5. Serve as an advocate for ~~Native American persons~~ Americans and a referral agency to assist ~~Native American persons~~ Americans in securing access to justice and state agencies and programs.
6. Serve as a liaison with federal, state, and local governmental units, and private organizations on matters relating to ~~Native American persons~~ Americans in this state.
7. Conduct studies, make recommendations, and implement programs designed to solve the problems of ~~Native American persons~~ Americans in this state in the areas of human rights, housing, education, welfare, employment, health care, access to justice, and any other related problems.
8. Publicize the accomplishments of ~~Native American persons~~ Americans and their contributions to this state.
9. Work with other state, tribal, and federal agencies and organizations to develop small business opportunities and promote economic development for ~~Native American persons~~ Americans.

Sec. 55. Section 216A.166, if enacted by 2008 Iowa Acts, Senate File 2400,<sup>4</sup> is amended to read as follows:

216A.166 REVIEW OF GRANT APPLICATIONS AND BUDGET REQUESTS.

Before the submission of an application, a state department or agency shall consult with the commission concerning an application for federal funding that will have its primary effect on ~~tribal governments or Native American persons~~ Americans. The commission shall advise the governor, the director of the department of human rights, and the director of revenue concerning any state agency budget request that will have its primary effect on ~~tribal governments or Native American persons~~ Americans.

\*Sec. 56. NEW SECTION. 231C.20 CITATIONS — MONITORING VISITS.

1. *All results of state monitoring visits, including complaint investigations or certification in-*

<sup>2</sup> Chapter 1184, §40 herein

<sup>3</sup> Chapter 1184, §43 herein

<sup>4</sup> Chapter 1184, §44 herein

\* Item veto; see message at end of the Act

spections conducted by the department pursuant to this chapter or rules adopted by the department shall be submitted by the department personally, by electronic mail, or by certified mail to the program no later than ten business days following completion of an on-site monitoring visit, if findings of noncompliance are cited.

2. If a program certified under this chapter submits a plan of correction relating to the statement of noncompliance or a response to a civil penalty issued under rules adopted by the department, and the department elects to conduct an on-site monitoring revisit, the department shall commence the monitoring revisit within ten business days of the date that the plan of correction is received, or the date specified within the plan of correction alleging compliance, whichever is later.\*

Sec. 57. NEW SECTION. 279.67 COMPETITIVE LIVING WAGE.

It is the goal of this state that every employee of a public school corporation be provided with a competitive living wage.

Sec. 58. Section 321A.3, subsections 1, 5, and 6, Code Supplement 2007, are amended to read as follows:

1. The department shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321, 321J, or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the department shall so certify. A fee of five dollars and fifty cents shall be paid for each abstract except for state, county, or city officials, court officials, public transit officials, or other officials of a political subdivision of the state or a nonprofit charitable organization described in section 501(c)(3) of the Internal Revenue Code. The department shall transfer the moneys collected under this section to the treasurer of state who shall credit to the general fund all moneys collected.

~~5. The department may permit any person to view the operating record of a person subject to chapter 321 or this chapter through one of the department's computer terminals or through a computer printout generated by the department. The department shall not require a fee for a person to view their own operating record, but the department shall impose a fee of one dollar for each of the first five operating records viewed within a calendar day and two dollars for each additional operating record viewed within the calendar day.~~

6. Fees under subsections subsection 1 and 5 may be paid by credit cards, as defined in section 537.1301, subsection 17, approved for that purpose by the department of transportation. The department shall enter into agreements with financial institutions extending credit through the use of credit cards to ensure payment of the fees. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this subsection.

Sec. 59. Section 321A.3, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A person making a request for a record or an abstract under this section that is subject to a fee shall only use the record or abstract requested one time, for one purpose, and it shall not supply that record to more than one other person. Any subsequent use of the same record or abstract shall require that the person make a subsequent request for the record or abstract and pay an additional fee for the request in the same manner as provided for the initial request. A person requesting a record or an abstract pursuant to this section shall keep records identifying who the record or abstract is provided to, and the use of the record or abstract, for a period of five years. Records maintained pursuant to this subsection shall be made available to the department upon request. A person shall not sell, retain, distribute, provide, or transfer any record or abstract information or portion of the record or abstract information acquired under this agreement except as authorized by the department and the federal Driver's Privacy Protection Act, 18 U.S.C. § 2721-2725.

\* Item veto; see message at end of the Act

Sec. 60. Section 331.304, subsection 10, Code Supplement 2007, is amended to read as follows:

10. A county shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for or relating to owner-occupied manufactured or mobile homes including the lots, ~~or~~ lands, or manufactured home community or mobile home park upon or in which they are located. A county shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental manufactured or mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. 61. Section 364.3, subsection 5, Code 2007, is amended to read as follows:

5. A city shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for or relating to owner-occupied manufactured or mobile homes including the lots, ~~or~~ lands, or manufactured home community or mobile home park upon or in which they are located. A city shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental manufactured or mobile homes unless a similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. 62. NEW SECTION. 422.11V CHARITABLE CONSERVATION CONTRIBUTION TAX CREDIT.

1. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a charitable conservation contribution tax credit equal to fifty percent of the fair market value of a qualified real property interest located in the state that is conveyed as an unconditional charitable donation in perpetuity by the taxpayer to a qualified organization exclusively for conservation purposes. The maximum amount of tax credit is one hundred thousand dollars. The amount of the contribution for which the tax credit is claimed shall not be deductible in determining taxable income for state tax purposes.

2. For purposes of this section, "conservation purpose", "qualified organization", and "qualified real property interest" mean the same as defined for the qualified conservation contribution under section 170(h) of the Internal Revenue Code, except that a conveyance of land for open space for the purpose of fulfilling density requirements to obtain subdivision or building permits shall not be considered a conveyance for a conservation purpose.

3. Any credit in excess of the tax liability is not refundable but the excess for the tax year may be credited to the tax liability for the following twenty tax years or until depleted, whichever is the earlier.

4. An individual may claim the tax credit allowed a partnership, limited liability company, S corporation, estate, or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, limited liability company, S corporation, estate, or trust.

Sec. 63. Section 422.33, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 25. a. The taxes imposed under this division shall be reduced by a charitable conservation contribution tax credit equal to fifty percent of the fair market value of a qualified real property interest located in the state that is conveyed as an unconditional

charitable donation in perpetuity by the taxpayer to a qualified organization exclusively for conservation purposes. The maximum amount of tax credit is one hundred thousand dollars. The amount of the contribution for which the tax credit is claimed shall not be deductible in determining taxable income for state tax purposes.

b. For purposes of this section, “conservation purpose”, “qualified organization”, and “qualified real property interest” mean the same as defined for the qualified conservation contribution under section 170(h) of the Internal Revenue Code, except that a conveyance of land for open space for the purpose of fulfilling density requirements to obtain subdivision or building permits shall not be considered a conveyance for a conservation purpose.

c. Any credit in excess of the tax liability is not refundable but the excess for the tax year may be credited to the tax liability for the following twenty tax years or until depleted, whichever is the earlier.

Sec. 64. Section 423.6, subsection 14, Code 2007, is amended to read as follows:

14. Mobile homes to the extent of the portion of the purchase price of the mobile home which is not attributable to the cost of the tangible personal property used in the processing of the mobile home, and manufactured housing to the extent of the purchase price or the installed purchase price of the manufactured housing which is not attributable to the cost of the tangible personal property used in the processing of the manufactured housing. For purposes of this exemption, the portion of the purchase price which is not attributable to the cost of the tangible personal property used in the processing of the mobile home is ~~forty~~ eighty percent and the portion of the purchase price or installed purchase price which is not attributable to the cost of the tangible personal property used in the processing of the manufactured housing is ~~forty~~ eighty percent.

Sec. 65. Section 423B.1, subsection 6, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding any other provision in this section, a change in use of the local sales and services tax revenues for purposes of funding an urban renewal project pursuant to section 423B.10 does not require an election.

Sec. 66. Section 423B.7, subsection 1, Code 2007, is amended to read as follows:

1. a. The Except as provided in paragraph “b”, the director shall credit the local sales and services tax receipts and interest and penalties from a county-imposed tax to the county’s account in the local sales and services tax fund and from a city-imposed tax under section 423B.1, subsection 2, to the city’s account in the local sales and services tax fund. If the director is unable to determine from which county any of the receipts were collected, those receipts shall be allocated among the possible counties based on allocation rules adopted by the director.

b. Notwithstanding paragraph “a”, the director shall credit the designated amount of the increase in local sales and services tax receipts, as computed in section 423B.10, collected in an urban renewal area of an eligible city that has adopted an ordinance pursuant to section 423B.10, subsection 2, into a special city account in the local sales and services tax fund.

Sec. 67. Section 423B.7, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. From each special city account, the revenues shall be remitted to the city council for deposit in the special fund created in section 403.19, subsection 2, to be used by the city as provided in section 423B.10. The distribution from the special city account is not subject to the distribution formula provided in subsections 3, 4, and 5.

Sec. 68. NEW SECTION. 423B.10 FUNDING URBAN RENEWAL PROJECTS.

1. For purposes of this section, unless the context otherwise requires:

a. “Base year” means the fiscal year during which an ordinance is adopted that provides for funding of an urban renewal project by a designated amount of the increased sales and services tax revenues.

b. "Eligible city" means a city in which a local sales and services tax imposed by the county applies or a city described in section 423B.1, subsection 2, paragraph "a", and in which an urban renewal area has been designated.

c. "Retail establishment" means a business operated by a retailer as defined in section 423.1.

d. "Urban renewal area" and "urban renewal project" mean the same as defined in section 403.17.

2. An eligible city may by ordinance of the city council provide for the use of a designated amount of the increased local sales and services tax revenues collected under this chapter which are attributable to retail establishments in an urban renewal area to fund urban renewal projects located in the area. The designated amount may be all or a portion of such increased revenues.

3. To determine the revenue increase for purposes of subsection 2, revenue amounts shall be calculated by the department of revenue as follows:

a. Determine the amount of local sales and services tax revenue collected from retail establishments located in the area comprising the urban renewal area during the base year.

b. Determine the current year revenue amount for each fiscal year following the base year in the manner specified in paragraph "a".

c. The excess of the amount determined in paragraph "b" over the base year revenue amount determined in paragraph "a" is the increase in the local sales and services tax revenues of which the designated amount is to be deposited in the special city account created in section 423B.7, subsection 5A.

4. The ordinance adopted pursuant to this section is repealed when the area ceases to be an urban renewal area or twenty years following the base year, whichever is the earlier.

5. In addition to the moneys received pursuant to the ordinance authorized under subsection 2, an eligible city may deposit any other local sales and services tax revenues received by it pursuant to the distribution formula in section 423B.7, subsections 3, 4, and 5, to the special fund described in section 403.19, subsection 2.

6. For purposes of this section, the eligible city shall assist the department of revenue in identifying retail establishments in the urban renewal area that are collecting the local sales and services tax. This process shall be ongoing until the ordinance is repealed.

Sec. 69. Section 423E.4, subsection 3, paragraph b, subparagraph (2), Code 2007, as amended by 2008 Iowa Acts, House File 2663,<sup>5</sup> section 21, if enacted, is amended to read as follows:

(2) "Sales tax capacity per student" means for a school district the estimated amount of revenues that a school district would receive if a local sales and services tax for school infrastructure purposes was imposed at one percent in the county pursuant to section 423E.2, Code 2007, ~~as computed in subsection 8,~~ divided by the school district's actual enrollment as determined in section 423E.3, subsection 5, paragraph "d".

Sec. 70. Section 423E.4, subsection 3, paragraph b, subparagraph (3), Code 2007, as amended by 2008 Iowa Acts, House File 2663,<sup>6</sup> section 22, if enacted, is amended to read as follows:

(3) "Statewide tax revenues per student" means the amount determined by estimating the total revenues that would be generated by a one percent local option sales and services tax for school infrastructure purposes if imposed by all the counties during the entire fiscal year, ~~as computed in subsection 8,~~ and dividing this estimated revenue amount by the sum of the combined actual enrollment for all counties as determined in section 423E.3, subsection 5, paragraph "d", subparagraph (2).

Sec. 71. Section 423E.4, subsection 8, as enacted by 2008 Iowa Acts, House File 2663,<sup>7</sup> section 25, if enacted, is amended by striking the subsection.

<sup>5</sup> Chapter 1134 herein

<sup>6</sup> Chapter 1134 herein

<sup>7</sup> Chapter 1134 herein

Sec. 72. Section 423F.2, subsection 1, paragraph b, as enacted by 2008 Iowa Acts, House File 2663,<sup>8</sup> section 28, if enacted, is amended to read as follows:

b. The increase in the state sales, services, and use taxes under chapter 423, subchapters II and III, from five percent to six percent shall replace the repeal of the county's local sales and services tax for school infrastructure purposes. The distribution of moneys in the secure an advanced vision for education fund and the use of the moneys for infrastructure purposes or property tax relief shall be as provided in this chapter. However, the formula for the distribution of the moneys in the fund shall be based upon amounts that would have been received if the local sales and services taxes under chapter 423E, Code 2007, continued in existence, as computed pursuant to section 423E.4, subsection 8.

Sec. 73. Section 423F.3, subsection 3, paragraph c, as enacted by 2008 Iowa Acts, House File 2663,<sup>9</sup> section 29, if enacted, is amended to read as follows:

c. The board secretary shall notify the county commissioner of elections of the intent to take the issue to the voters. The county commissioner of elections shall publish the notices required by law for special or general elections, and the election shall be held ~~not sooner than thirty days nor later than forty days after notice from the school board on a date specified in section 39.2, subsection 4, paragraph "c".~~ A majority of those voting on the question must favor approval of the revenue purpose statement. If the proposal is not approved, the school district shall not submit the same or new revenue purpose statement to the electors for a period of six months from the date of the previous election.

Sec. 74. Section 441.37A, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

For the assessment year beginning January 1, 2007, and all subsequent assessment years, appeals may be taken from the action of the board of review with reference to protests of assessment, valuation, or application of an equalization order to the property assessment appeal board created in section 421.1A. However, a property owner or aggrieved taxpayer or an appellant described in section 441.42 may bypass the property assessment appeal board and appeal the decision of the local board of review to the district court pursuant to section 441.38. For an appeal to the property assessment appeal board to be valid, written notice must be filed by the party appealing the decision with the secretary of the property assessment appeal board within twenty days after the date the board of review's letter of disposition of the appeal is post-marked to the party making the protest. The written notice of appeal shall include a petition setting forth the basis of the appeal and the relief sought. No new grounds in addition to those set out in the protest to the local board of review as provided in section 441.37 can be pleaded, but additional evidence to sustain those grounds may be introduced. The assessor shall have the same right to appeal to the assessment appeal board as an individual taxpayer, public body, or other public officer as provided in section 441.42. An appeal to the board is a contested case under chapter 17A.

Sec. 75. Section 441.37A, subsection 2, unnumbered paragraph 2, Code 2007, is amended to read as follows:

An appeal may be considered by less than a majority of the members of the board, and the chairperson of the board may assign members to consider appeals. If a hearing is requested, it shall be open to the public and shall be conducted in accordance with the rules of practice and procedure adopted by the board. However, any deliberation of a board member considering the appeal in reaching a decision on any appeal shall be confidential. A meeting of the board to rule on procedural motions in a pending appeal or to deliberate on the decision to be reached in an appeal is exempt from the provisions of chapter 21. The property assessment appeal board or any member of the board may require the production of any books, records, papers, or documents as evidence in any matter pending before the board that may be material, relevant, or necessary for the making of a just decision. Any books, records, papers, or documents produced as evidence shall become part of the record of the appeal. Any testimony given relating to the appeal shall be transcribed and made a part of the record of the appeal.

<sup>8</sup> Chapter 1134 herein

<sup>9</sup> Chapter 1134 herein

Sec. 76. Section 441.38, subsection 1, Code 2007, is amended to read as follows:

1. Appeals may be taken from the action of the local board of review with reference to protests of assessment, to the district court of the county in which the board holds its sessions within twenty days after its adjournment or May 31, whichever date is later. Appeals may be taken from the action of the property assessment appeal board to the district court of the county where the property which is the subject of the appeal is located within twenty days after the letter of disposition of the appeal by the property assessment appeal board is postmarked to the appellant. No new grounds in addition to those set out in the protest to the local board of review as provided in section 441.37, or in addition to those set out in the appeal to the property assessment appeal board, if applicable, can be pleaded, ~~but additional.~~ Additional evidence to sustain those grounds may be introduced in an appeal from the local board of review to the district court. ~~However, no new evidence to sustain those grounds may be introduced in an appeal from the property assessment appeal board to the district court.~~ The assessor shall have the same right to appeal and in the same manner as an individual taxpayer, public body, or other public officer as provided in section 441.42. Appeals shall be taken by filing a written notice of appeal with the clerk of district court. Filing of the written notice of appeal shall preserve all rights of appeal of the appellant.

Sec. 77. NEW SECTION. 441.38B APPEAL TO DISTRICT COURT FROM PROPERTY ASSESSMENT APPEAL BOARD.

A person or party who is aggrieved or adversely affected by a decision of the property assessment appeal board may seek judicial review of the decision as provided in chapter 17A and section 441.38.

Sec. 78. NEW SECTION. 455C.17 GRANTS FOR INDEPENDENT REDEMPTION CENTERS.

1. An independent redemption center grant program shall be established by the department to award grants for improvements to independent redemption centers. An "independent redemption center" is a redemption center that is also a nonprofit or a for-profit facility that has existed prior to July 1, 2008, and that is not affiliated with or in any way a subsidiary of a dealer, a distributor, or a manufacturer.

2. a. An independent redemption center grant fund is established in the state treasury under the authority of the department. The fund shall consist of moneys appropriated to the fund or appropriated to the department for purposes of the grant program. Moneys in the fund are appropriated to the department to be used for the grant program.

b. Notwithstanding section 8.33, moneys in the fund at the close of any fiscal year shall not revert to any other fund but shall remain in the fund for the subsequent fiscal year to be used for purposes of the fund.

3. a. Moneys in the grant fund shall be used by the department to provide grants to independent redemption centers for purposes of making improvements to such centers. The department shall not award grants in a fiscal year in an aggregate of more than one million dollars. A grant shall not exceed fifteen thousand dollars for any independent redemption center.

b. The department shall not pay administrative costs relating to the management of the grant program in excess of three and one-half percent of the moneys in the fund in a fiscal year.

Sec. 79. Section 535.8, subsection 1, Code 2007, is amended by striking the subsection and inserting in lieu thereof the following:

1. DEFINITIONS. For purposes of this section, unless the context otherwise requires:

a. "Lender" means a person who makes or originates a loan; a person who is identified as a lender on the loan documents; a person who arranges, negotiates, or brokers a loan; and a person who provides any goods or services as an incident to or as a condition required for the making or closing of the loan. "Lender" does not include a licensed attorney admitted to practice in this state acting solely as an incident to the practice of law.

b. "Loan" means a loan of money which is wholly or in part to be used for the purpose of purchasing real property which is a single-family or two-family dwelling occupied or to be oc-

cupied by the borrower. A loan includes the refinancing of a contract of sale, and the refinancing of a prior loan, whether or not the borrower also was the borrower under the prior loan, and the assumption of a prior loan.

Sec. 80. Section 535.8, subsection 2, paragraphs a and b, Code 2007, are amended to read as follows:

a. ~~A lender may collect borrower may be charged by a lender~~, in connection with a loan made pursuant to a written agreement executed by the borrower on or after July 1, 1983, or in connection with a loan made pursuant to a written commitment by the lender mailed or delivered to the borrower on or after that date, a loan origination or processing fee, a broker fee, or both, which ~~does together do~~ not exceed two percent of an amount which is equal to the loan principal; except that to the extent of an assumption by a new borrower of the obligation to make payments under a prior loan, or to the extent that the loan principal is used to refinance a prior loan between the same borrower and the same lender, ~~the lender may collect borrower may be charged by a lender~~ a loan origination or processing fee, a broker fee, or both, which ~~does together do~~ not exceed an amount which is a reasonable estimate of the expenses of processing the loan assumption or refinancing but which does not exceed one percent of the unpaid balance of the loan that is assumed or refinanced. In addition, ~~a lender may collect from a borrower, a seller of property, another lender, or any other person, or from any combination of these persons~~ borrower may be charged by a lender, in contemplation of or in connection with a loan, a commitment fee, closing fee, or both, that is agreed to in writing by the lender and the persons from whom the charges are to be collected borrower. A loan fee collected paid by a borrower to a lender under this paragraph is compensation to the lender solely for the use of money, notwithstanding any provision of the agreement to the contrary. However, a loan fee collected under this paragraph shall be disregarded for purposes of determining the maximum charge permitted by section 535.2 or 535.9, subsection 2. ~~The collection~~ A lender is prohibited from charging a borrower in connection with a loan of a loan origination or processing fee, broker fee, closing fee, commitment fee, or similar charge is ~~prohibited~~ other than expressly authorized by this paragraph or a payment reduction fee authorized by subsection 3.

b. ~~A lender may collect borrower may be charged by a lender~~ in connection with a loan any of the following costs which are incurred by the lender in connection with the loan and which are disclosed to the borrower:

- (1) Credit reports.
- (2) Appraisal fees paid to a third party, or when the appraisal is performed by the lender, a fee which is a reasonable estimate of the expense incurred by the lender in performing the appraisal.
- (3) Attorney's opinions.
- (4) Abstracting fees paid to a third party, or when the abstracting is performed by the lender, a fee which is a reasonable estimate of the expense incurred by the lender in performing the abstracting.
- (5) County recorder's fees.
- (6) Inspection fees.
- (7) Mortgage guarantee insurance charge.
- (8) Surveying of property.
- (9) Termite inspection.
- (10) The cost of a title guaranty issued by the Iowa finance authority pursuant to chapter 16.

(11) A bona fide and reasonable settlement or closing fee which is paid to a third party to settle or close the loan.

The lender shall not charge the borrower for the cost of revenue stamps or real estate commissions which are paid by the seller.

~~The collection of~~ A lender shall not charge the borrower any costs other than as expressly permitted by this paragraph "b" ~~is prohibited~~. However, additional costs incurred in connection with a loan under this paragraph "b", if bona fide and reasonable, may be collected by a state-chartered financial institution licensed under chapter 524, 533, or 534, to the extent per-

mitted under applicable federal law as determined by the office of the comptroller of the currency of the United States department of treasury, the national credit union administration, or the office of thrift supervision of the United States department of treasury. Such costs shall apply only to the same type of state-chartered entity as the federally chartered entity affected and shall apply to and may be collected by an insurer organized under chapter 508 or 515, or otherwise authorized to conduct the business of insurance in this state.

Nothing in this section shall be construed to change the prohibition against the sale of title insurance or sale of insurance against loss or damage by reason of defective title or encumbrances as provided in section 515.48, subsection 10.

Sec. 81. Section 622.10, subsection 3, paragraphs a, d, and e, Code Supplement 2007, are amended to read as follows:

a. In a civil action in which the condition of the plaintiff in whose favor the prohibition is made is an element or factor of the claim or defense of the adverse party or of any party claiming through or under the adverse party, the adverse party shall make a written request for records relating to the condition alleged upon the plaintiff's ~~counsel~~ attorney for a legally sufficient patient's waiver under federal and state law. Upon receipt of a written request, the plaintiff shall execute ~~the a legally sufficient~~ patient's waiver and release it to the adverse party making the request within sixty days of receipt of the written request. The patient's waiver may require a physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional to do all of the following:

(1) Provide a complete copy of the patient's records including, but not limited to, any reports or diagnostic imaging relating to the condition alleged.

(2) Consult with the attorney for the adverse party prior to providing testimony regarding the plaintiff's medical history and the condition alleged and opinions regarding health etiology and prognosis for the condition alleged subject to the limitations in ~~paragraph~~ paragraphs "c" and "e".

d. Any physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional who provides records or consults with the ~~counsel~~ attorney for the adverse any party shall be entitled to charge a reasonable fee for production of the records, diagnostic imaging, and consultation. Any party seeking consultation shall be responsible for payment of all charges. The ~~fee fees~~ for copies of any records shall be ~~based upon actual cost of production~~ be as specified in subsection 4A.

e. Defendant's counsel shall provide a written notice to plaintiff's ~~counsel~~ attorney in a manner consistent with the Iowa rules of civil procedure providing for notice of deposition at least ten days prior to any meeting with plaintiff's physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional. Plaintiff's ~~counsel~~ attorney has the right to be present at all such meetings, or participate in telephonic communication with the physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional and ~~counsel~~ attorney for the defendant. Prior to scheduling any meeting or engaging in any communication with the physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional, attorney for the defendant shall confer with plaintiff's attorney to determine a mutually convenient date and time for such meeting or telephonic communication. Plaintiff's ~~counsel~~ attorney may seek a protective order structuring all communication by making application to the court at any time.

Sec. 82. Section 622.10, subsection 4, Code Supplement 2007, is amended to read as follows:

4. If an adverse party desires the oral deposition, either discovery or evidentiary, of a physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional to which the prohibition would otherwise apply or the stenographer or confidential clerk of a physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional or desires to call a physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional to which the prohibition would otherwise apply or the stenographer or confidential clerk of a physician or surgeon,

physician assistant, advanced registered nurse practitioner, or mental health professional as a witness at the trial of the action, the adverse party shall file an application with the court for permission to do so. The court upon hearing, which shall not be ex parte, shall grant permission unless the court finds that the evidence sought does not relate to the condition alleged and, At the request of any party or at the request of the deponent, the court shall fix a reasonable fee to be paid to the a physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional by the party taking the deposition or calling the witness.

Sec. 83. Section 622.10, Code Supplement 2007, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4A. At any time, upon a written request from a patient, a patient's legal representative or attorney, or an adverse party pursuant to subsection 3, any provider shall provide copies of the requested records or images to the requester within thirty days of receipt of the written request. The written request shall be accompanied by a legally sufficient patient's waiver unless the request is made by the patient or the patient's legal representative or attorney.

a. The fee charged for the cost of producing the requested records or images shall be based upon the actual cost of production. If the written request and accompanying patient's waiver, if required, authorizes the release of all of the patient's records for the requested time period, including records relating to the patient's mental health, substance abuse, and acquired immune deficiency syndrome-related conditions, the amount charged shall not exceed the rates established by the workers' compensation commissioner for copies of records in workers' compensation cases. If requested, the provider shall include an affidavit certifying that the records or images produced are true and accurate copies of the originals for an additional fee not to exceed ten dollars.

b. A patient or a patient's legal representative or a patient's attorney is entitled to one copy free of charge of the patient's complete billing statement, subject only to a charge for the actual costs of postage or delivery charges incurred in providing the statement. If requested, the provider or custodian of the record shall include an affidavit certifying the billing statements produced to be true and accurate copies of the originals for an additional fee not to exceed ten dollars.

c. Fees charged pursuant to this subsection are not subject to a sales or use tax. A provider providing the records or images may require payment in advance if an itemized statement demanding such is provided to the requesting party within fifteen days of the request. Upon a timely request for payment in advance, the time for providing the records or images shall be extended until the greater of thirty days from the date of the original request or ten days from the receipt of payment.

d. If a provider does not provide to the requester all records or images encompassed by the request or does not allow a patient access to all of the patient's medical records encompassed by the patient's request to examine the patient's records, the provider shall give written notice to the requester or the patient that providing the requested records or images would be a violation of the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

e. As used in this subsection:

(1) "Records" and "images" include electronic media and data containing a patient's health or billing information and "copies" includes patient records or images provided in electronic form, regardless of the form of the originals. If consented to by the requesting party, records and images produced pursuant to this subsection may be produced on electronic media.

(2) "Provider" means any physician or surgeon, physician assistant, advanced registered nurse practitioner, mental health professional, hospital, nursing home, or other person, entity, facility, or organization that furnishes, bills, or is paid for health care in the normal course of business.

Sec. 84. 2007 Iowa Acts, chapter 206, section 6, unnumbered paragraph 3, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year beginning July 1, 2008.

Sec. 85. REAL ESTATE EDUCATION PROGRAM. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For allocation to the university of northern Iowa for the real estate education program:  
..... \$ 160,000

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 86. MEDICAL ASSISTANCE — APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

Notwithstanding the reimbursement provisions in 2008 Iowa Acts, Senate File 2425,<sup>10</sup> if enacted, or any other provision requiring budget neutrality in setting hospital reimbursement rates, as additional funding for the medical assistance program to be used for the rebasing of hospital reimbursement rates under the medical assistance program:  
..... \$ 5,500,000

Sec. 87. 2008 Iowa Acts, Senate File 2420,<sup>11</sup> section 124, is amended by striking the section and inserting in lieu thereof the following:

SEC. 124. Section 423.5, subsection 3, Code 2007, as amended by this division of this Act, is amended to read as follows:

3. The An excise tax at the rate of five percent is imposed on the use of vehicles subject only to the issuance of a certificate of title and the use of manufactured housing, and on the use of leased vehicles, if the lease transaction does not require titling or registration of the vehicle, on the amount subject to tax as calculated pursuant to section 423.26, subsection 2.

Sec. 88. INDEPENDENT REDEMPTION CENTER GRANT FUND. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the independent redemption center fund created in section 455C.17, as enacted in this division of this Act:  
..... \$ 1,000,000

Sec. 89. 2008 Iowa Acts, House File 2699,<sup>12</sup> section 4, subsection 3, if enacted, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The department of economic development shall coordinate with the department of natural resources, the Iowa finance authority, and the United States department of agriculture in maximizing community development block grants and loans available for water, wastewater, and unsewered communities. It is the intent of the general assembly that the department recognize and provide the appropriate level of funding needed for wastewater and sewer projects in communities with populations of 200 persons or less.

<sup>10</sup> Chapter 1187 herein

<sup>11</sup> Chapter 1113 herein

<sup>12</sup> Chapter 1190 herein

Sec. 90. 2008 Iowa Acts, House File 2699,<sup>13</sup> section 16, subsection 4, if enacted, is amended by striking the subsection and inserting in lieu thereof the following:

4. STATEWIDE STANDARD SKILLS ASSESSMENT

For development and administration of a statewide standard skills assessment to assess the employability skills of adult workers statewide and to provide instruction to department staff in the administration of the assessment in accordance with section 84A.5, subsection 1, as amended by the Eighty-second General Assembly, 2008 Session:<sup>14</sup>

..... \$ 500,000

Sec. 91. HEALTHY IOWANS TOBACCO TRUST — APPROPRIATION — TOBACCO USE PREVENTION AND TREATMENT. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For tobacco use prevention, cessation, and treatment, in addition to other appropriations made for this purpose:

..... \$ 1,000,000

Sec. 92. DEPARTMENT OF HUMAN SERVICES — SHELTER CARE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For supplementing the appropriation made for child and family services in 2008 Iowa Acts, Senate File 2425,<sup>15</sup> if enacted, to be used to increase the amount allocated in that appropriation for shelter care to \$8,072,215:

..... \$ 1,000,000

Sec. 93. INTERPRETERS FOR THE DEAF. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Due to the high numbers of articulation agreements between the state school for the deaf and Iowa western community college, for allocation for arrangements made between the state school for the deaf and Iowa western community college for deaf interpreters:

..... \$ 200,000

Sec. 94. UNITED STATES CENTER FOR CITIZEN DIPLOMACY. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a grant to support the United States center for citizen diplomacy:

..... \$ 150,000

The director of the department of economic development shall condition the grant upon the grantee submitting all of the following: evidence of a matching amount from nongovernmental sources received during calendar year 2008, a financial plan for program sustainability, evidence that the center’s principal place of business is in this state, and agreement to submit quarterly reports demonstrating that the center’s programs are directed to assisting the citizens of this state and beyond in promoting citizen diplomacy through individual, educational, business, and cultural efforts. The director shall submit the reports required under this section to the governor and the legislative council.

Sec. 95. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from any interest or earning moneys in the federal economic stimulus and jobs holding fund to the department of natural resources for the fiscal year beginning July 1, 2008, and ending June 30, 2009,

<sup>13</sup> Chapter 1190 herein

<sup>14</sup> See this chapter, §43 herein

<sup>15</sup> Chapter 1187 herein

the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

..... \$ 195,000

Sec. 96. 2008 Iowa Acts, House File 2663,<sup>16</sup> section 15, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SEC. 15. Section 423E.3, subsections 1 and 4, Code 2007, are amended by striking the subsections.

Sec. 97. DEPARTMENT OF CULTURAL AFFAIRS — BATTLE FLAG EMPLOYEES. The department of cultural affairs is authorized an additional 1.50 full-time equivalent positions for a conservation assistant and a part-time historian for work related to the stabilization and preservation of the battle flag collection.

*\*Sec. 98. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM — ADDITIONAL APPROPRIATION FOR PURCHASE OF SERVICE. If section 97A.10 is amended by the 2008 Session of the Eighty-second General Assembly to provide for the purchase of eligible service credit on and after July 1, 2008, there shall be appropriated from the general fund of the state to the retirement fund described in section 97A.8 an amount equal to that portion of the actuarial cost of the permissive service credit purchase for eligible service credit that is not required to be contributed by a member making contributions to the system for that purchase.\**

Sec. 99. APPLICABILITY. The sections of this division of this Act amending section 21.5, subsection 1, and section 22.7, do not apply to any litigation before any court of this state filed prior to July 1, 2008.

Sec. 100. INCOME TAXATION — ACTIVE DUTY MILITARY PAY. Notwithstanding section 422.7, subsection 40, the net income of a member of the national guard who served from August 1, 2004, to January 31, 2006, on full-time military duty as a mobilization augments in a rear detachment support assignment for a national guard unit deployed pursuant to orders related to Operation Iraqi Freedom, shall be calculated for those tax years as provided in section 422.7 by subtracting, to the extent included, the amount of full-time national guard duty pay received.

Sec. 101. LOW OR MODERATE NET WORTH — DESIGNATED AMOUNT ESTABLISHED. For the period beginning July 1, 2008, and ending December 31, 2008, the designated amount used to determine a person's aggregate net worth as provided in section 175.2, subsection 1, as amended in this division of this Act, is five hundred thousand dollars.

Sec. 102. CHARTER AGENCY GRANT FUND. Notwithstanding sections 7J.2 and 8.33 or any other provision of law, moneys appropriated to the department of management from the charter agency grant fund that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2007, shall not revert but shall remain available for expenditure for the purposes designated in section 7J.2, Code 2007, until the close of the succeeding fiscal year. At the close of the succeeding fiscal year, such moneys that remain unencumbered or unobligated shall revert to the general fund of the state.

Sec. 103. EFFECTIVE DATE. The section of this division of this Act amending 2007 Iowa Acts, chapter 206, section 6, being deemed of immediate importance, takes effect upon enactment.

Sec. 104. EFFECTIVE DATE. The section of this division of this Act addressing sections

<sup>16</sup> Chapter 1134 herein

\* Item veto; see message at end of the Act

7J.2 and 8.33 and the charter agency grant fund, being deemed of immediate importance, takes effect upon enactment.

Sec. 105. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this division of this Act relating to the computation of net income for individual income tax purposes of a member of the national guard who served on full-time military duty as a mobilization augmentor in a rear detachment support assignment for a national guard unit deployed pursuant to orders related to Operation Iraqi Freedom, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to January 1, 2004, for tax years beginning on or after that date but before January 1, 2007.

Sec. 106. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The sections of this division of this Act amending section 35A.8, being deemed of immediate importance, take effect upon enactment and are retroactively applicable to July 1, 2007, and are applicable on and after that date.

Sec. 107. RETROACTIVE APPLICABILITY DATE. The sections of this division of this Act enacting section 422.11V and section 422.33, subsection 25, apply retroactively to January 1, 2008, for tax years beginning on or after that date.

DIVISION V  
STATE AID FOR SCHOOLS — ENROLLMENT

Sec. 108. Section 257.6, subsection 1, paragraph a, subparagraph (5), Code Supplement 2007, is amended to read as follows:

(5) Resident pupils receiving competent private instruction from a licensed practitioner provided through a public school district pursuant to chapter 299A shall be counted as ~~six-tenths~~ three-tenths of one pupil. School districts shall not spend less than the amount expended for the delivery of home school assistance programming during the fiscal year beginning July 1, 2007, unless there is a decline in enrollment in the program. If a school district offered a home school assistance program in the fiscal year beginning July 1, 2007, it shall continue to offer a home school assistance program in the fiscal year beginning July 1, 2008, and subsequent fiscal years. If the school district determines that the expenditures associated with providing competent private instruction pursuant to chapter 299A is in excess of the revenue attributed to the school district's weighted enrollment for such instruction in accordance with this subparagraph, the school district may submit a request to the school budget review committee for modified allowable growth in accordance with section 257.31, subsection 5, paragraph "n". A home school assistance program shall not provide moneys received pursuant to this subparagraph, nor resources paid for with moneys received pursuant to this subparagraph, to parents or students utilizing the program.

Sec. 109. Section 257.11,<sup>17</sup> subsection 5, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. n. Unusual need for additional funds for the costs associated with providing competent private instruction pursuant to chapter 299A.

Sec. 110. Section 299.4, Code Supplement 2007, is amended to read as follows:

299.4 REPORTS AS TO PRIVATE INSTRUCTION.

1. The parent, guardian, or legal custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under either section 299A.2 or 299A.3, not in an accredited school or a home school assistance program operated by a public school district or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, to the district by the earliest starting date specified in section 279.10, subsection 1. The secretary shall retain and file one copy and forward the other

<sup>17</sup> According to enrolled Act; the phrase "Section 257.31" probably intended

copy to the district’s area education agency. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal custodian of a child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139A.8, and, if the child is elementary school age, a blood lead test in accordance with section 135.105D. The term “outline of course of study” shall include subjects covered, lesson plans, and time spent on the areas of study.

2. A home school assistance program operated by a school district or accredited nonpublic school shall furnish a report on forms provided by the department. The report shall, at a minimum, state the name and age of the child and the period of time during the school year in which the child has been or will be under competent private instruction by the home school assistance program.

Sec. 111. WEIGHTED ENROLLMENT. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For one-time distribution to those school districts determined by the department to have expenditures associated with providing competent private instruction pursuant to chapter 299A in excess of the revenue attributed to the school district’s weighted enrollment for such instruction in accordance with section 257.6, subsection 1, paragraph “a”, subparagraph (5), as amended by this Act:

..... \$ 146,000

Sec. 112. BUDGET ADJUSTMENT. For the budget year beginning July 1, 2008, and ending June 30, 2009, any adjustment in the school district’s budget resulting from the amendment to section 257.6 in this division of this Act shall be addressed as provided in section 257.6, subsection 1, paragraph “d” based upon the amendment made to section 257.6, subsection 1, paragraph a, subparagraph (5), and with the budget adjustment being made in the fiscal year beginning July 1, 2008.

Sec. 113. EFFECTIVE DATE. The section of this division of this Act amending section 257.6, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI  
CAMPAIGN FINANCE

Sec. 114. Section 53.10, unnumbered paragraph 3, Code Supplement 2007, is amended to read as follows:

During the hours when absentee ballots are available in the office of the commissioner, ~~the posting of political signs is prohibited within three hundred feet of the absentee voting site. No electioneering shall not~~ be allowed within the sight or hearing of voters at the absentee voting site.

Sec. 115. Section 53.11, subsection 4, Code Supplement 2007, is amended to read as follows:

4. During the hours when absentee ballots are available at a satellite absentee voting station, ~~the posting of political signs is prohibited within three hundred feet of the satellite absentee voting station. Electioneering~~ electioneering shall not be allowed within the sight or hearing of voters at the satellite absentee voting station.

Sec. 116. Section 68A.404, subsection 1, Code 2007, is amended to read as follows:

1. As used in this section, “independent expenditure” means one or more expenditures in

excess of ~~seven hundred fifty~~ one hundred dollars in the aggregate for a communication that expressly advocates the nomination, election, or defeat of a clearly identified candidate or the passage or defeat of a ballot issue that is made without the prior approval or coordination with a candidate, candidate's committee, or a ballot issue committee.

Sec. 117. Section 68A.404, subsection 3, paragraph a, Code 2007, is amended to read as follows:

a. An independent expenditure statement shall be filed within forty-eight hours of the making of an independent expenditure in excess of ~~seven hundred fifty~~ one hundred dollars in the aggregate.

Sec. 118. Section 68A.406, Code Supplement 2007, is amended to read as follows:

68A.406 CAMPAIGN SIGNS — YARD SIGNS.

1. Campaign signs may be placed with the permission of the property owner or lessee on any of the following:

a. Residential property.

b. Agricultural land owned by individuals or by a family farm operation as defined in section 9H.1, subsections 8, 9, and 10.

c. Property leased for residential purposes including, but not limited to, apartments, condominiums, college housing facilities, and houses if placed only on leased property space that is actually occupied.

d. Vacant lots owned by a private individual person who is not a prohibited contributor under section 68A.503.

e. Property owned by an organization that is not a prohibited contributor under section 68A.503.

f. Property leased by a candidate, committee, or an organization established to advocate the nomination, election, or defeat of a candidate or the passage or defeat of a ballot issue that has not yet registered pursuant to section 68A.201, when the property is used as campaign headquarters or a campaign office and the placement of the sign is limited to the space that is actually leased.

2. a. Campaign signs shall not be placed on any of the following:

a. (1) Any property owned by the state or the governing body of a county, city, or other political subdivision of the state, including all property considered the public right-of-way. Upon a determination by the board that a sign has been improperly placed, the sign shall be removed by highway authorities as provided in section 318.5, or by county or city law enforcement authorities in a manner consistent with section 318.5.

b. (2) Property owned, leased, or occupied by a prohibited contributor under section 68A.503 unless the sign advocates the passage or defeat of a ballot issue or is exempted under subsection 1.

c. (3) On any property without the permission of the property owner or lessee.

d. (4) On election day either on the premises of any polling place or within three hundred feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held.

e. (5) Within On the premises of or within three hundred feet of any outside door of any building affording access to an absentee voting site during the hours when absentee ballots are available in the office of the county commissioner of elections as provided in section 53.10.

f. (6) Within On the premises of or within three hundred feet of any outside door of any building affording access to a satellite absentee voting station during the hours when absentee ballots are available at the satellite absentee voting station as provided in section 53.11.

b. Paragraphs "d", "e", and "f" Paragraph "a", subparagraphs (4), (5), and (6) shall not apply to the posting of signs on private property not a polling place, except that the placement of a sign on a motor vehicle, trailer, or semitrailer, or any attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of any outside door of any

building affording access to any room serving as a polling place, which sign is more than ninety square inches in size, is prohibited.

3. Campaign signs with dimensions of thirty-two square feet or less are exempt from the attribution statement requirement in section 68A.405. Campaign signs in excess of thirty-two square feet, or signs that are affixed to buildings or vehicles regardless of size except for bumper stickers, are required to include the attribution statement required by section 68A.405. The placement or erection of campaign signs shall be exempt from the requirements of chapter 480 relating to underground facilities information.

#### DIVISION VII CORRECTIVE PROVISIONS

Sec. 119. Section 15.104, subsection 9, paragraph a, if enacted by 2008 Iowa Acts, House File 2450,<sup>18</sup> section 6, is amended to read as follows:

a. FINANCIAL ASSISTANCE PROGRAMS. Data on all assistance provided to business finance projects under the community economic betterment program established in section 15.317, eligible businesses under the high quality job creation program described in section 15.326, and eligible facilities under the value-added agricultural products and processes financial assistance program established in section 15E.111.

*\*Sec. 120. Section 20.9, subsection 1, paragraph n, if enacted by 2008 Iowa Acts, House File 2645, is amended to read as follows:*

*n. Evaluation procedures, including the frequency of evaluations, the method of evaluation, evaluation forms and other evaluation instruments, evaluation criteria, the purposes for and use of evaluations, and remedial and employee ~~performances~~ performance improvement plans and procedures.\**

Sec. 121. Section 87.4, unnumbered paragraph 2, Code 2007, as amended by 2008 Iowa Acts, Senate File 2337,<sup>19</sup> section 1, if enacted, is amended to read as follows:

A self-insurance association formed under this section and an association comprised of cities or counties, or both, or the association of county Iowa fairs or a fair as defined in section 174.1, or community colleges as defined in section 260C.2 or school corporations, or both, or other political subdivisions, which have entered into an agreement under chapter 28E for the purpose of establishing a self-insured program for the payment of workers' compensation benefits are exempt from taxation under section 432.1.

Sec. 122. Section 87.4, unnumbered paragraph 4, Code 2007, as amended by 2008 Iowa Acts, Senate File 2337,<sup>20</sup> section 1, if enacted, is amended to read as follows:

A self-insured program for the payment of workers' compensation benefits established by an association comprised of cities or counties, or both, or the association of county Iowa fairs or a fair as defined in section 174.1, or community colleges, as defined in section 260C.2, or other political subdivisions, which have entered into an agreement under chapter 28E, is not insurance, and is not subject to regulation under chapters 505 through 523C. Membership in such an association together with payment of premiums due relieves the member from obtaining insurance as required in section 87.1. Such an association is not required to submit its plan or program to the commissioner of insurance for review and approval prior to its implementation and is not subject to rules or rates adopted by the commissioner relating to workers' compensation group self-insurance programs. Such a program is deemed to be in compliance with this chapter.

Sec. 123. Section 100C.6, subsection 3, as enacted by 2008 Iowa Acts, House File 2646,<sup>21</sup> section 1, is amended to read as follows:

3. Relieve any person engaged in fire sprinkler installation, maintenance, repair, service,

<sup>18</sup> Chapter 1122 herein

\* Item veto; see message at end of the Act

<sup>19</sup> Chapter 1139 herein

<sup>20</sup> Chapter 1139 herein

<sup>21</sup> Chapter 1094 herein

or inspection as defined in section 100D.1 from obtaining a fire sprinkler installer ~~or fire sprinkler~~ and maintenance worker license as required pursuant to chapter 100D.

Sec. 124. Section 144C.3, subsection 4, as enacted by 2008 Iowa Acts, Senate File 473,<sup>22</sup> section 8, is amended to read as follows:

4. A funeral director, ~~an attorney, or any agent, owner, or employee of a funeral establishment, cremation establishment, cemetery, elder group home, assisted living program facility, adult day services program, or licensed hospice program, or attorney, or any agent, owner, or employee of such an entity,~~ shall not serve as a designee unless related to the declarant within the third degree of consanguinity.

Sec. 125. Section 261.7, subsections 2 and 3, if enacted by 2008 Iowa Acts, House File 2197,<sup>23</sup> section 1, are amended to read as follows:

2. The general assembly recommends that every public and private institution ~~for~~ of higher education in this state, including those institutions referenced in chapters 260C and 262 and section 261.9, post the list of required and suggested textbooks for all courses and the corresponding international standard book numbers for such textbooks at least fourteen days before the start of each semester or term, to the extent possible, at the locations where textbooks are sold on campus and on the web site for the respective institution ~~for~~ of higher education.

3. The college student aid commission is directed to convey the legislative intent and recommendation contained in this section to every institution ~~for~~ of higher education in the state registered pursuant to chapter 261B at least once a year.

*\*Sec. 126. Section 279.15A, subsection 2, if enacted by 2008 Iowa Acts, House File 2645, is amended to read as follows:*

*2. If the teacher requests a private meeting, the board shall, within five days of the receipt of the request, deliver to the teacher, in writing, notice of declination to meet with the teacher, or notice of a time and place for the meeting with the board which meeting shall be exempt from the requirements of chapter 21. If the board declines to meet with the teacher, the parties shall immediately proceed under section 279.16. The private meeting, if agreed to by the board, shall be held no later than fifteen days from receipt of the request for the private meeting. At the meeting, the superintendent shall have the opportunity to discuss with the board the reasons for the issuance of the notice. The teacher, or the teacher's representative, shall be given an opportunity to respond. At the conclusion of the meeting, the board of directors and the teacher may enter into a mutually agreeable resolution to the recommendation of termination. If no resolution is reached by the parties, the board shall immediately meet in open session, and, by majority roll call vote, either reject or support the superintendent's recommendation. If the recommendation is rejected, the teacher's continuing contract shall remain in force and effect. If the recommendation is supported, the parties shall immediately proceed under section 279.16.\**

Sec. 127. Section 321.23, subsection 3, Code 2007, as amended by 2008 Iowa Acts, Senate File 2420,<sup>24</sup> section 53, is amended to read as follows:

3. In the event an applicant for registration of a foreign vehicle for which a certificate of title has been issued is able to furnish evidence of being the registered owner of the vehicle to the county treasurer of the owner's residence, although unable to surrender such certificate of title, the county treasurer may issue a registration receipt and plates upon receipt of the required annual registration fee and the fee for new registration fee but shall not issue a certificate of title thereto. Upon surrender of the certificate of title from the foreign state, the county treasurer shall issue a certificate of title to the owner, or person entitled thereto, of such vehicle as provided in this chapter. The owner of a vehicle registered under this subsection shall not be required to obtain a certificate of title in this state and may transfer ownership of the vehicle to a motor vehicle dealer licensed under chapter 322 if, at the time of the transfer, the certifi-

<sup>22</sup> Chapter 1051 herein

<sup>23</sup> Chapter 1146 herein

\* Item veto; see message at end of the Act

<sup>24</sup> Chapter 1113 herein

cate of title is held by a secured party and the dealer has forwarded to the secured party the sum necessary to discharge the security interest pursuant to section 321.48, subsection 1.

Sec. 128. Section 321.105A, subsection 2, paragraph c, subparagraph (27), as enacted by 2008 Iowa Acts, Senate File 2420,<sup>25</sup> section 40, is amended to read as follows:

(27) A vehicle repossessed by a financial institution or an individual by means of a foreclosure affidavit pursuant to the uniform commercial code, chapter 554, provided there is a valid lien on the vehicle and the foreclosure affidavit is used for the sole purpose of retaining possession of the vehicle until a new buyer is found. However, if the financial institution or individual uses the foreclosure affidavit to take title to the vehicle and register the vehicle, the fee for new registration fee shall be due based on the outstanding loan amount on the vehicle.

Sec. 129. Section 476.44A, if enacted by 2008 Iowa Acts, Senate File 2386,<sup>26</sup> section 6, is amended to read as follows:

476.44A TRADING OF CREDITS.

The board may establish or participate in a program to track, record, and verify the trading of credits ~~for~~ or attributes relating to electricity generated from alternative energy production facilities or renewable energy sources among electric generators, utilities, and other interest-ed entities, within this state and with similar entities in other states.

Sec. 130. Section 508E.8, subsection 1, paragraphs i and k, if enacted by 2008 Iowa Acts, Senate File 2392,<sup>27</sup> section 8, are amended to read as follows:

i. Disclosure to a viator shall include distribution of a brochure describing the process of viatical settlements. The national association of insurance commissioners form for the brochure shall be used unless another form is developed ~~or~~ and approved by the commissioner.

k. Following execution of a viatical contract, the insured may be contacted for the purpose of determining the insured's health status and to confirm the insured's residential or business street address and telephone number, or as otherwise provided in this chapter. This contact shall be limited to once every three months if the insured has a life expectancy of more than one year, and no more than once per month if the insured has a life expectancy of one year or less. All such ~~contracts~~ contacts shall be made only by a duly licensed viatical settlement provider or by the authorized representative of a duly licensed viatical settlement provider.

Sec. 131. Section 633A.2301, Code 2007, as amended by 2008 Iowa Acts, Senate File 2350,<sup>28</sup> section 21, if enacted, is amended to read as follows:

633A.2301 RIGHTS OF BENEFICIARY, CREDITOR, AND ASSIGNEE.

To the extent a beneficiary's interest is not subject to a spendthrift provision, and subject to sections 633A.2305 and ~~633.2306~~ 633A.2306, the court may authorize a creditor or assignee of the beneficiary to reach the beneficiary's interest by levy, attachment, or execution of present or future distributions to or for the benefit of the beneficiary or other means.

Sec. 132. Section 670.7, subsection 4, if enacted by 2008 Iowa Acts, Senate File 2337,<sup>29</sup> section 3, is amended to read as follows:

4. The association of county Iowa fairs ~~or a fair~~ as defined in section 174.1, ~~or a fair~~, shall be deemed to be a municipality as defined in this chapter only for the purpose of joining a local government risk pool as provided in this section.

Sec. 133. Section 714E.2, subsection 2, if enacted by 2008 Iowa Acts, House File 2653,<sup>30</sup> section 2, is amended to read as follows:

2. The following notice, printed in at least fourteen point boldface type and completed with

<sup>25</sup> Chapter 1113 herein

<sup>26</sup> Chapter 1133 herein

<sup>27</sup> Chapter 1155 herein

<sup>28</sup> Chapter 1119 herein

<sup>29</sup> Chapter 1139 herein

<sup>30</sup> Chapter 1125 herein

the name of the foreclosure consultant, must be printed immediately above the notice of cancellation statement required pursuant to section 714E.3:

NOTICE REQUIRED BY IOWA LAW

..... (name) or anyone working for him or her  
..... (name) CANNOT:

(1) Take any money from you or ask you for money until .....  
..... (name) has completely finished doing everything he or she  
..... (name) said he or she .....  
..... (name) would do; and

(2) Ask you to sign or have you sign any lien, mortgage, or real estate contract.

Sec. 134. 2008 Iowa Acts, House File 2103,<sup>31</sup> section 1, is amended by striking the section and inserting in lieu thereof the following:

SECTION 1. Section 261.1, subsections 3 and 4, Code 2007, are amended to read as follows:

3. ~~a. A member~~ Two members of the senate, ~~one~~ to be appointed by the president of the senate, ~~after consultation with the majority leader and one to be appointed by~~ the minority leader of the senate, to serve as an ex officio, nonvoting member for a term of four years beginning on July 1 of the year of appointment ~~members~~.

4. ~~b. A member~~ Two members of the house of representatives, ~~one~~ to be appointed by the speaker of the house of representatives and ~~one to be appointed by the minority leader of the house of representatives,~~ to serve as an ex officio, nonvoting member for a term of four years beginning on July 1 of the year of appointment ~~members~~.

~~c. The members of the senate and house of representatives shall serve at the pleasure of the appointing legislator for a term beginning upon the convening of the general assembly and expiring upon the convening of the following general assembly, or when the appointee's successor is appointed, whichever occurs later.~~

Sec. 135. 2008 Iowa Acts, House File 2555,<sup>32</sup> section 18, is amended by striking the section and inserting in lieu thereof the following:

SEC. 18. NEW SECTION. 508E.20 PUBLIC RECORDS.

All information filed with the commissioner pursuant to the requirements of this chapter and its implementing rules shall constitute a public record that is open for public inspection except as otherwise provided in this chapter.

Sec. 136. 2008 Iowa Acts, House File 2651,<sup>33</sup> section 40, if enacted, is amended to read as follows:

SEC. 40. EFFECTIVE DATE DATES.

1. The sections of this Act amending sections 321E.8, 321E.9, 321E.14, and 322.7A, the section enacting section 321E.9B, and the section repealing 2007 Iowa Acts, chapter 167, being deemed of immediate importance, take effect upon enactment.

2. The section of this Act amending section 321.115, subsection 1, as enacted in 2007 Iowa Acts, chapter 143, section 12, takes effect January 1, 2009.

Sec. 137. 2008 Iowa Acts, House File 2689,<sup>34</sup> section 35, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SEC. 35. EFFECTIVE DATE. This division of this Act takes effect January 1, 2009.

Sec. 138. 2008 Iowa Acts, Senate File 2316,<sup>35</sup> section 10, is amended to read as follows:

SEC. 10. Sections 540A.1, 540A.2, 540A.3, 540A.4, 540A.5, 540A.6, 540A.7, 540A.8, and 540A.9, Code 2007, are repealed.

Sec. 139. 2008 Iowa Acts, Senate File 2347,<sup>36</sup> section 9, is amended to read as follows:

SEC. 9. EMERGENCY RULES. The secretary of state may adopt emergency rules under

<sup>31</sup> Chapter 1107 herein  
<sup>32</sup> Chapter 1123 herein  
<sup>33</sup> Chapter 1124 herein  
<sup>34</sup> Chapter 1169 herein  
<sup>35</sup> Chapter 1066 herein  
<sup>36</sup> Chapter 1176 herein

section ~~17A.1~~ 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this Act relating to optical scan voting systems, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 140. 2008 Iowa Acts, Senate File 2349,<sup>37</sup> section 8, is amended by striking the section and inserting in lieu thereof the following:

SEC. 8. Section 523A.601, subsection 6, paragraph a, Code Supplement 2007, is amended to read as follows:

a. A purchase agreement that is funded by a trust shall include a conspicuous statement in language substantially similar to the following language:

“For your prearranged funeral agreement, we will deposit not less than eighty percent of your payments in trust at (name of financial institution), (street address), (city), (state) (zip code) within fifteen days following receipt of the funds. For your protection, you ~~have the right to contact~~ will be notified within sixty days from the date of deposit from the financial institution directly, if acting as a trustee of trust funds under this chapter, to confirm that the deposit of these funds ~~occurred~~ has been made establishing a trust fund as required by law. If you ~~are unable to confirm the deposit of these funds in trust~~ do not receive this notification, you may contact the Iowa insurance division for assistance by calling the insurance division at (telephone number) or by mail at (street address), (city), Iowa (zip code), or you may contact the financial institution by calling the financial institution at (telephone number) or by mail at the address indicated above.”

Sec. 141. 2008 Iowa Acts, Senate File 2432,<sup>38</sup> section 1, subsection 5, paragraph c, if enacted, is amended to read as follows:

c. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 500,000

Sec. 142. 2008 Iowa Acts, Senate File 2432,<sup>39</sup> section 1, subsection 9, paragraph a, if enacted, is amended to read as follows:

a. For purposes of supporting a water trails development program and a lowhead dam public hazard improvement program, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 1,000,000

The department shall award grants to dam owners including counties, cities, state agencies, cooperatives, and individuals, to support projects approved by the department.

The department shall require each dam owner applying for a project grant to submit a project plan for the expenditure of the moneys, and file a report with the department regarding the project, as required by the department.

The funds can be used for signs, posts, and related cabling, and the department shall only award money on a matching basis, pursuant to the dam owner contributing at least 20 cents for every 80 cents awarded by the department, in order to finance the project. For the remainder of the funds, including any balance of money not awarded for signs, posts, and related cabling, the department shall only award ~~moneys to a dam owner on a matching basis. A dam owner shall contribute one dollar for each dollar awarded by the department in order to finance a project~~ moneys for the water trails development program or to the lowhead dam public hazard improvement program on a matching basis according to departmental rules.

DIVISION VIII  
ANIMAL AGRICULTURE

Sec. 143. Section 459.102, subsection 4, Code 2007, is amended to read as follows:  
4. “Animal feeding operation” means a lot, yard, corral, building, or other area in which ani-

<sup>37</sup> Chapter 1103 herein  
<sup>38</sup> Chapter 1179 herein  
<sup>39</sup> Chapter 1179 herein

imals are confined and fed and maintained for forty-five days or more in any twelve-month period, and all structures used for the storage of manure from animals in the operation. An Except as required for a national pollutant discharge elimination system permit required pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, an animal feeding operation does not include a livestock market.

Sec. 144. Section 459A.103, subsection 3, Code 2007, is amended to read as follows:

3. a. In calculating the animal unit capacity of an open feedlot operation, the animal unit capacity shall not include the animal unit capacity of any confinement feeding operation building as defined in section 459.102, which is part of the open feedlot operation.

b. Notwithstanding paragraph "a", only for purposes of determining whether an open feedlot operation must obtain an operating permit, the animal unit capacity of the animal feeding operation includes the animal unit capacities of both the open feedlot operation and the confinement feeding operation if the animals in the open feedlot operation and the confinement feeding operation are all in the same category or type of animals as used in the definitions of large and medium concentrated animal feeding operations in 40 C.F.R. pt. 122. In all other respects the confinement feeding operation shall be governed by chapter 459 and the open feedlot operation shall be governed by this chapter.

Sec. 145. Section 459A.401, subsection 2, paragraph a, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

An open feedlot operation in compliance with the inspection and recordkeeping requirements of 40 C.F.R. pt. 122 and 40 C.F.R. pt. 412 applicable to the operation may discharge open feedlot effluent into any waters of the United States due to a precipitation event, if any of the following apply:

Sec. 146. COMPLIANCE EDUCATION EFFORT. The department of natural resources shall provide for a compliance education effort. In administering the effort, the department, in cooperation with associations that represent livestock producers and organizations that represent farmers generally, shall provide information on a statewide basis to persons involved with maintaining animals in a confinement feeding operation or open feedlot operation regarding methods and practices to ensure compliance with this Act.

Sec. 147. APPLICABILITY AND ENFORCEMENT.

1. A person required to obtain an operating permit for an animal feeding operation by the department of natural resources pursuant to 567 IAC ch. 65, and section 459.102, subsection 4, as amended by this division of this Act, or section 459A.103, subsection 3, as amended by this division of this Act, shall submit an application for the operating permit to the department of natural resources on or before December 31, 2008. The application for the operating permit must be complete, including all information required to be included in the application according to rules adopted by the department.

2. a. The state shall not take an enforcement action against a person arising from the person's failure to obtain an operating permit by the department of natural resources as required pursuant to this division of this Act if the person's application for the operating permit application is pending in accordance with subsection 1.

b. The state shall not take an enforcement action against a person arising from the person's failure to obtain an operating permit as required pursuant to this division of this Act for the period beginning on the day when the department of natural resources denies the person's application for the operation permit and ending on the thirtieth day after the person receives written notice that such application has been denied.

Sec. 148. EFFECTIVE DATE.

1. Except as provided in subsection 2, this division of this Act takes effect on December 31, 2008.

2. The section of this division of this Act establishing a compliance education effort takes effect upon enactment.

DIVISION IX  
RETIREMENT FOR SENIOR JUDGES

Sec. 149. Section 602.9202, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Senior judge retirement age" means seventy-eight years of age or, if the senior judge is reappointed as a senior judge for an additional two-year term upon attaining seventy-eight years of age pursuant to section 602.9203, eighty years of age.

Sec. 150. Section 602.9203, subsection 5, Code 2007, is amended to read as follows:

5. a. A senior judge may be reappointed to additional two-year terms, at the discretion of the supreme court, if the judicial officer meets the requirements of subsection 2.

b. A senior judge may be reappointed to an additional two-year term upon attaining seventy-eight years of age, at the discretion of the supreme court, if the judicial officer meets the requirements of subsection 2.

Sec. 151. Section 602.9204, subsection 1, Code 2007, is amended to read as follows:

1. A judge who retires on or after July 1, 1994, and who is appointed a senior judge under section 602.9203 shall be paid a salary as determined by the general assembly. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section 602.9109, but computed under this section in lieu of section 602.9107, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to the applicable percentage multiplier of the basic senior judge salary, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except the annuity of the senior judge or retired senior judge shall not exceed an amount equal to the applicable specified percentage of the basic senior judge salary used in calculating the annuity. However, following the twelve-month period during which the senior judge or retired senior judge attains ~~seventy-eight years of senior judge retirement~~ age, the annuity paid to the person shall be an amount equal to the applicable percentage multiplier of the basic senior judge salary cap, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except that the annuity shall not exceed an amount equal to the applicable specified percentage of the basic senior judge salary cap. A senior judge or retired senior judge shall not receive benefits calculated using a basic senior judge salary established after the twelve-month period in which the senior judge or retired senior judge attains ~~seventy-eight years of senior judge retirement~~ age. The state shall provide, regardless of age, to an active senior judge or a senior judge with six years of service as a senior judge and to the judge's spouse, and pay for medical insurance until the judge attains the senior judge retirement age of seventy-eight years.

Sec. 152. Section 602.9204, subsection 2, paragraphs d and e, Code 2007, are amended to read as follows:

d. "Basic senior judge salary cap" means the basic senior judge salary, at the end of the twelve-month period during which the senior judge or retired senior judge attained ~~seventy-eight years of senior judge retirement~~ age, of the office in which the person last served as a judge before retirement as a judge or senior judge.

e. "Escalator" means the difference between the current basic salary, as of the time each payment is made up to and including the twelve-month period during which the senior judge or retired senior judge attains ~~seventy-eight years of senior judge retirement~~ age, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, and the basic annual salary which the judge is receiving at the time the judge becomes separated from full-time service as a judge of one or more of the courts included in this article, as would be used in computing an annuity pursuant to section 602.9107 without service as a senior judge.

Sec. 153. Section 602.9207, subsection 1, Code 2007, is amended to read as follows:

1. A senior judge shall cease to be a senior judge upon completion of the twelve-month period during which the judge attains ~~seventy-eight years of~~ senior judge retirement age. The clerk of the supreme court shall make a notation of the retirement of a senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

Sec. 154. Section 602.9208, subsection 1, Code 2007, is amended to read as follows:

1. A senior judge, at any time prior to the end of the twelve-month period during which the judge attains ~~seventy-eight years of~~ senior judge retirement age, may submit to the clerk of the supreme court a written request that the judge's name be stricken from the roster of senior judges. Upon the receipt of the request the clerk shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge. A person who relinquishes a senior judgeship as provided in this subsection may be assigned to temporary judicial duties as provided in section 602.1612.

#### DIVISION X CORE CURRICULUM FOR SCHOOLS

Sec. 155. Section 256.7, subsection 26, Code Supplement 2007, as amended by 2008 Iowa Acts, Senate File 2216,<sup>40</sup> section 1, is amended to read as follows:

26. a. Adopt rules that establish a core curriculum and requiring, beginning with the students in the 2010-2011 school year graduating class, high school graduation requirements for all students in school districts and accredited nonpublic schools that include at a minimum satisfactory completion of four years of English and language arts, three years of mathematics, three years of science, and three years of social studies. The core curriculum adopted shall address the core content standards in subsection 28 and the skills and knowledge students need to be successful in the twenty-first century. The core curriculum shall include social studies and twenty-first century learning skills which include but are not limited to civic literacy, health literacy, technology literacy, financial literacy, and employability skills; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. ~~For purposes of this subsection, "financial literacy" shall include but not be limited to financial responsibility and planning skills; money management skills, including setting financial goals, creating spending plans, and using financial instruments; applying decision-making skills to analyze debt incurrence and debt management; understanding risk management, including the features and functions of insurance; and understanding saving and investing as applied to long-term financial security and asset building. The department shall further define the twenty-first century learning skills components by rule.~~

b. Continue the inclusive process begun during the initial development of a core curriculum for grades nine through twelve including stakeholder involvement, including but not limited to representatives from the private sector and the business community, and alignment of the core curriculum to other recognized sets of national and international standards. The state board shall also recommend quality assessments to school districts and accredited nonpublic schools to measure the core curriculum.

~~The state board shall not require school districts or accredited nonpublic schools to adopt a specific textbook or textbook series to meet the core curriculum requirements of Neither the state board nor the department shall require school districts or accredited nonpublic schools to adopt a specific textbook, textbook series, or specific instructional methodology, or acquire specific textbooks, curriculum materials, or educational products from a specific vendor in order to meet the core curriculum requirements of this subsection or the core content standards adopted pursuant to subsection 28.~~

Sec. 156. Section 256.9, subsection 57, as enacted by 2008 Iowa Acts, Senate File 2216,<sup>41</sup> section 2, is amended to read as follows:

57. a. Develop and distribute, in collaboration with the area education agencies, core cur-

<sup>40</sup> Chapter 1127 herein

<sup>41</sup> Chapter 1127 herein

riculum technical assistance and implementation strategies that school districts and accredited nonpublic schools ~~may shall~~ utilize, including but not limited to the development and delivery of formative and end-of-course model assessments classroom teachers ~~can may~~ use to measure student progress on the core curriculum adopted pursuant to section 256.7, subsection 26. The department shall ~~continue to collaborate with Iowa testing programs on the development of,~~ in collaboration with the advisory group convened in accordance with paragraph “b” and educational assessment providers, identify and make available to school districts end-of-course and additional model end-of-course and additional assessments to align with the expectations included in the Iowa core curriculum. The model assessments shall be suitable to meet the multiple assessment measures requirement specified in section 256.7, subsection 21, paragraph “c”.

b. Convene an advisory group comprised of education stakeholders including but not limited to school district and accredited nonpublic school teachers, school administrators, higher education faculty who teach in the subjects for which the curriculum is being adopted, private sector employers, members of the boards of directors of school districts, and individuals representing the educational assessment providers. The task force shall review the national assessment of educational progress standards and assessments used by other states, and shall consider standards identified as best practices in the field of study by the national councils of teachers of English and mathematics, the national council for the social studies, the national science teachers association, and other recognized experts.

Sec. 157. Section 257.11, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. A school district shall ensure that any course made available to a student through any sharing agreement between the school district and a community college or any other entity providing course programming pursuant to this section to students enrolled in the school district meets the expectations contained in the core curriculum adopted pursuant to section 256.7, subsection 26. The school district shall ensure that any course that has the capacity to generate college credit shall be equivalent to college-level work.

Sec. 158. Section 280.2, Code 2007, is amended to read as follows:

280.2 DEFINITIONS.

The term “public school” means any school directly supported in whole or in part by taxation. The term “nonpublic school” means any other school which is accredited ~~or which uses licensed practitioners as instructors pursuant to section 256.11.~~

Sec. 159. 2008 Iowa Acts, Senate File 2216,<sup>42</sup> section 6, is amended to read as follows:

SEC. 6. DEPARTMENT OF EDUCATION — CORE CURRICULUM STUDY. The department of education shall conduct a study of the measures necessary for the successful adoption by the state’s school districts and accredited nonpublic schools of core curriculums and core content standards established by rule pursuant to section 256.7, subsections 26 and 28. The study shall include an examination of the possible future expansion of the core curriculum to include content areas not currently included under section 256.7, subsection 26, including but not limited to fine arts, applied arts, humanities, and world languages. The department shall submit its findings and recommendations, including recommendations for statutory and administrative rule changes necessary, to the general assembly by November 14, 2008.

DIVISION XI  
WAGE-BENEFITS TAX CREDIT PROGRAM

Sec. 160. Section 15.335A, subsection 2, paragraphs b and c, Code 2007, are amended by striking the paragraphs and inserting in lieu thereof the following:

b. “Average county wage” means the annualized, average hourly wage based on wage information compiled by the department of workforce development.

<sup>42</sup> Chapter 1127 herein

c. "Benefits" means all of the following:

- (1) Medical and dental insurance plans. If an employer offers medical insurance under both single and family coverage plans, the employer shall be given credit for providing medical insurance under family coverage plans to all new employees.
- (2) Pension and profit sharing plans.
- (3) Child care services.
- (4) Life insurance coverage.
- (5) Other benefits identified by rule of the department of revenue.

Sec. 161. Section 15.336, Code 2007, is amended to read as follows:  
15.336 OTHER INCENTIVES.

An eligible business may receive other applicable federal, state, and local incentives and credits in addition to those provided in this part. ~~However, a business which participates in the program under this part shall not receive any wage-benefits tax credits under chapter 15I.~~

Sec. 162. Section 15G.112, subsection 1, Code 2007, is amended to read as follows:

1. In order to receive financial assistance from the department from moneys appropriated from the grow Iowa values fund, the average annual wage, including benefits, of new jobs created must be equal to or greater than one hundred thirty percent of the average county wage. For purposes of this section, "average county wage" and "benefits" mean the same as defined in section ~~15I.1~~ 15.335A.

Sec. 163. Section 422.33, subsection 18, Code Supplement 2007, is amended by striking the subsection.

Sec. 164. Section 422.60, subsection 10, Code Supplement 2007, is amended by striking the subsection.

Sec. 165. Section 533.329, subsection 2, paragraph m, Code Supplement 2007, is amended by striking the paragraph.

Sec. 166. Sections 15I.2, 15I.3, and 422.11L, Code Supplement 2007, are repealed.

Sec. 167. Sections 15I.1, 15I.4, 15I.5, and 432.12G, Code 2007, are repealed.

Sec. 168. CONTINUATION OF TAX CREDITS. The repeal of chapter 15I in this division of this Act does not affect the availability of tax credits for qualified new jobs in existence on June 30, 2008. Qualified new jobs in existence on June 30, 2008, shall continue to be eligible to receive the tax credits for the remainder of the five-year period. However, a business is not entitled to a tax credit for a qualified new job created on or after July 1, 2008.

*Approved May 15, 2008, with exceptions noted.*

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2700, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related

matters, and including effective and retroactive applicability date provisions. House File 2700 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 12 of House File 2700 in its entirety. This language increases the annual salary rate of the elective executive officials of the State, including the governor, lieutenant governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state. As Iowans struggle to cope with rising costs and economic uncertainties, this is not the time to increase the salaries of the elected statewide officers of the State.

I am unable to approve Section 44 of House File 2700 in its entirety because this language provides an opportunity for only five active members of the Peace Officers' Retirement System (PORS) to receive undeserved special treatment that will be costly to Iowa taxpayers. Section 44 provides this small group of individuals the opportunity to purchase service for years of employment while at a city fire or police department prior to July 1, 1992. Those who would benefit from this section and Section 98 (see below) of House File 2700 had an opportunity to purchase this service from July 1, 2006 to July 1, 2007 and did not take advantage of this opportunity. In one case, an individual would receive an estimated \$33,000 annual increase in benefits. Overall, the unearned benefits for these five individuals could be as high as \$1.8 million. This action could establish a worrisome precedent for creating special carve-outs from our pension funds for small groups of employees.

I am unable to approve Section 45 of House File 2700 in its entirety because the section would reduce professional standards of the recently established statewide electrician licensing program. This language would require the Electrical Examining Board to adopt rules to create a specially designated license for those individuals who held a locally issued electrician license obtained by passing an examination not approved by the Board for purposes of granting a state Class A license. I am concerned that grandfathering in more electricians who cannot meet the established Class A license requirements creates a public safety concern. I encourage the Electrical Examining Board to take steps to make the examination process more accessible at the local level.

I am unable to approve the designated item of the last sentence in Section 49 of House File 2700. This proposed language requires that five members of the Hospital Licensing Board shall possess recognized ability in the field of hospital administration and one member shall represent the general public. We need more public representation on the Hospital Licensing Board in order to reduce the inherent conflict of interest that members representing the hospital industry face and in order to provide greater voice for the consumers regarding licensing rules that directly affect hospital care.

I am unable to approve Section 50 of this bill in its entirety because state law has no jurisdiction over Federal regulatory actions. This section imposes timeline and procedural requirements that are in conflict with the Federal survey and certification processes for health care facilities. Even if this language only affected state requirements, the proposed timelines would have a significant fiscal impact on the Department of Inspections and Appeals and are unreasonable.

I am unable to approve Section 56 of House File 2700 in its entirety because the proposed timelines are unreasonable. This language would reduce the timeframe for reporting findings to an assisted living program from the current 20 working days to 10 working days. It would run counter to unannounced evaluations and make it impossible to ensure accurate compliance evaluations, which help protect the welfare of Iowans living in assisted living facilities.

I am unable to approve Section 98 of House File 2700 in its entirety. This section, which is related to the above-referenced Section 44, creates an unlimited appropriation from the General Fund to credit PORS for the amount of lost contributions to the Municipal System plus interest for this select group of individuals. As I have item vetoed Section 44, this section is no longer necessary.

I am unable to approve Sections 120 and 126 in their entireties. These sections provide corrective language to House File 2645, the collective bargaining bill. Since I have already vetoed House File 2645, these sections are no longer necessary.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2700 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

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## CHAPTER 1192

### HY-VEE WORLD CUP TRIATHLON AWARDS CEREMONY

*S.J.R. 2003*

**A JOINT RESOLUTION** authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee Bg World Cup Triathlon, and providing an effective date.

WHEREAS, on June 22, 2008, athletes from around the world will gather in Des Moines, Iowa, to compete for an extraordinary purse prize and for the third and final position on TEAM USA for the Beijing Olympics; and

WHEREAS, the city of Des Moines has the honor of being the only city in the United States on the 2008 World Cup schedule of 15 triathlons; and

WHEREAS, Iowa's state capitol complex grounds provide a unique and memorable setting for the finish line of the triathlon and the following awards ceremony; and

WHEREAS, a champagne toast is a traditional part of the awards ceremony; and

WHEREAS, because 11 IAC 100.4(8) prohibits the consumption of alcoholic beverages on the state capitol complex grounds, it is not possible to serve champagne or other alcoholic beverage<sup>1</sup> at this type of awards ceremony on the state capitol complex grounds; NOW THEREFORE,

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Notwithstanding 11 IAC 100.4(8) and any contrary provisions of chapter 123, prohibiting the use and consumption of alcoholic beverages in public places, alcoholic beverages may be used and consumed on the state capitol complex grounds at an awards ceremony, to be held on or around June 22, 2008, hosted and organized in whole or in part by Hy-Vee, Incorporated, if the person providing the food and alcoholic beverages at the awards ceremony possesses an appropriate valid liquor control license. For the purpose of this section and section 123.95, the state capitol complex grounds is a private place.

Sec. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

Approved May 7, 2008

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<sup>1</sup> According to enrolled Act; the word "beverages" probably intended